

City Council Work Session Transcript – 06/24/2014

Title: ATXN2

Channel: 6 - ATXN

Recorded On: 6/24/2014 6:00:00 AM

Original Air Date: 6/24/2014

Transcript Generated by SnapStream Enterprise TV Server

=====

[03:03:39]

>> Good morning, I'm austin mayor leffingwell. Before the leading, I want to recognize a special guest. He may not stay for the entire work session, but my grandson blake is here. [Applause] I'll call this meeting of the city council work session to order on tuesday, june 24. So, we have quite a number of items that are pulled for discussion. Per our discussion at the last work session, we're going to work our way through all of the discussion items, and then, if we have time for the briefing, we will do that. So this will be the first priority. So I'm going to skip the first series of items because they're pulled by council member spelman and he's not here, so we will go directly to item number 16, which is pulled by council member tovo. >>Tovo: Thank you, mayor. I'm not sure that I see any of our -- my big question is we started to talk about this yesterday at other austin energy committee meeting and we have specific questions and I'm wondering if this is an item we need to work through this week, so I think I'll start there. >> City manager? >> Thank you, mayor. Council member tovo and members of council, it is my intent to pull this tech item.

[03:05:41]

Certainly, I recognize that council has lot of questions and I understand that austin energy wants and requires additional time to work on this project. I'm reyouing they take adecisional time to work on this project so we will be pulling it. And, I don't have a specific date as to when it may come back. >> I appreciate that, and I think that is prudent action. I would say that I did ask yesterday during our discussion if there were answers yet to some of the questions that I had submitted when this was on our agenda the first time, and one of our austin energy -- distribute some answers so I would ask, I'm not sure if everybody received those or if they are available online but that would be useful if they can make those available online, attached to one of our agendas. That would be helpful information. >> We will see to it. >> Council member riley. >>Riley: Mayor, would it be appropriate to mention some issues we might see? >>Mayor leffingwell: Sure. >>Riley: Metro expects if it is going in along the river side, there would be a large park and ride facility there. Before we under take to build a big, expensive stand-alone park facility for austin energy, I would suggest we consider coordinating with cap metro with any park facility to make sure the park facility would have the ability to serve the public, as well as austin energy employees so we could actually recoup the cost of the parking garage. Just as recurrently have a

revenue stream in the city hall garage, this is a location we expect there will be a parking demand and may well be a way to generate a revenue stream because that is obviously, an anticipated need for parking in the area, if a rail line does go

[03:07:43]

in. So I just would like for that to be given some conversation and to suggest that staff coordinate with cap metro with respect to the planning of any park facility. I would also hope that we would be looking carefully at the east river side corridor master plan, since this is at a key location along the east river side corridor. I want to make sure that -- and there has been an awful lot of planning, and I want to make sure that anything we do in this area is accounts consistent with those plans, especially with regard to the frontage on east river side, which may mean some other uses on the east river side frontage of any structure at that corners can ten with corner consistent with the plan. And lastly, we may want to consider, in light of the significant public interest involved in this corridor, we may want to consider some report back to council before the design is fully complete. For instance, would be it be appropriate to get some report at 30% design so we can provide further input before the process gets too far down the road? >>Tovo: Mayor? >>Mayor leffingwell: Council member tovo. >>Tovo: But to be clear, there is no design taking place rate now. Is that correct? >> That's correct. >>Tovo: I want to be sure that going forward today is not going forward until we have more information. >> That's correct. >>Mayor leffingwell: I think council member riley was giving a heads up what he is looking for when this item does come back. >>Tovo: So in tabling our discussion, I'm not running through the various issues and questions that I' raised by this. What is the best way to

[03:09:45]

communicate some of those additional questions. >> I'm going to assign austin energy to that and you can direct your questions to him. >>Tovo: Okay. >> A quick follow-up. >>Mayor leffingwell: Go ahead. >> I understand one of the reasons why austin energy is moving ahead, they have leases expiring. The plan was to have a building in, ready to go, in 2017 so we wouldn't have to reup those leases. Would a short postponement or long postponement affect your ability to have a building on the ground in time to meet that deadline? >> As the project managers have told us, it is a very tight schedule at this point, but I think we would put the building on ground, if council passes it. But, I think it is just a matter of negotiating, maybe, an extension on the lease. But part of the plan was to avoid having a building and lease statement. >> If we gave you the ability to design on thursday, you could make your deadline? >> We believe we could make the deadline. >>Riley: If we gave you the authority to build in august, would you make the deadline? >> Yes, we feel like we can still hit the schedule. If we start pushing this out much longer, into the new year, that kind of thing, we may have to take a one-year extension. >>Riley: So long as we make a decision. It we're going to give you the authority to start designing a building, we ought to do that some time in august, september, october. Some time fairly soon.

[03:11:46]

We can't postpone this for six months and hit your 2017 lease deadline. >> Correct. As long as we don't go into six months. >>Riley: Does that square with your timeline? Do you think we can get to the point where we're going to have all these -- >> we'll work to try to accomplish that. >>Riley: Okay. >> I just want to make sure we get it right. >> I agree. It seems to me, if we can get it right in september or august, even, it would be better for -- >> it would be. >>Riley: For rate payers, than if we get it rate in january and february. >> No doubt, it would be. >>Riley: Okay. Thanks. >>Mayor leffingwell: We go back to items 13, 28, 66 and 67. If it is okay with you, council member, we will take all of those together for discussion. >> That would be my preference. One of the issues in the blizzard of instruments are some conflicts in the numbers used or at least differences in the numbers used and it is uncertain to me white what the project scope -- quite what the project scope is. To begin with, if somebody could tell me, how much is it going to cost, how many households will we be buying and roughly where will they be located, inside the current corps of engineers or outside. I would like a clear sense of that. >>Mayor leffingwell: I think it would be a little bit of help to turn up the volume on these mics a little bit. >> Watershed protection. The original proposal was for the buyout of 371 homes. That includes the ones in the 25-year floodplain and the 100-year floodplain and the onion creek pleasant valley area. Those 371 are outside of the corps of engineers area. One of the items is the \$12 million for hdr, which is

[03:13:47]

consultant on 371 homes. If you divide \$12 million among 371, you get 32,000-plus per property. >>Riley: So the acr contract, which mostly I can tell is an accounting contract, disbursing money and making sure real estate instruments are in apple pie order but they're not responsibility for relocation expenses. Is that right? That is going to come in 32,000 per. Are we going to be paying them on a house-by-house basis? How is that going to work? >> The ever right now, the way we've been doing with the contract with hdr, we give them an authorization number. After the flood, we have 116 homes, they gave us authorization, they gave us a proposal and we gave approval for those houses. >> It will average to we think around 32,000 per house, but it may go up and down? >> That's the maximum. 32,345 includes real estate services, and includes asbestos and lead testing and includes property management and any other services they have and the appraisal fees are also included. >> This is basically a real estate contract, though? >> Um-hum. >> It does not include demolition, does it? >> No, it doesn't include demolition. >> So they would set up the asbestos work. The lead work would make it safe for demolition or use for om other kind. >> Exactly. They give the report of the asbestos and it is knows make it safe. >> Got you. And subsequent demolition contract we will see at some future date. >> The demolition contract is with the department of public works and transportation right now, and it will be coming later

[03:15:48]

to you in order to make that authorization bigger or to get another contractory do that. >> We will see when we get to that point. >> Yes. >> We will be doing our own demo, then. >> Yes, public works will be doing the project management of the contract. >> So item 13 is to set us up over a long-term, six to eight years, with hdr to be providing mostly real estate services and, you were saying, lead and asbestos

over the course of session to eight years for 371 houses. >> That's correct. >> Help me understand 66, 67 and 28. There is a number for 31 million. There is a number for 35.5. There is a variety of numbers bantied about for how many houses are covered by each of these. Help me understand what we're talking about. >> The 35.5 is the houses in 259-year floodplain where there are approximately 142. If you multiply 142, the price all the way to the demolition, for an acquisition to the demolition is \$250,000 per house, so that's how you get the 35.5. >> From acquisition all the way to demolition and includes cost of relocation. >> Everything. >> Just total inclusive, \$250,000 per house for 142 houses. >> That's correct. >> And we can bond even cost of demolition. That is something we cannish a c.O. More. >> Correct. >> Where are the 142 houses located, inside or outside -- >> outside the corps, inside the 25-year floodplain. >> So nothing we have a current -- I'm not sure it is a contract or cooperative agreement, whatever the deal is with the army corps, but there is no deal on these houses. >> That's right.

[03:17:49]

>> No short-term prospects for reimbursement from the federal government for any houses here, this is just covered by our current understanding with the army corps of engineers. >> This is outside the project core area. >> Is that 35.5 or 31? 35.5. >> Okay. What's the 31 million. What's the discrepancy here? >> The 31 million. The 35.5 includes the real estate services plus everything else. So the real estate services, we have 12 million divided by 371 is 32,345, if I'm correct. You multiply that number by 142 and you get something like 4.5-something million. Round it down 4.5. So you have the 31. >> So the difference between 35.5 and 31 is 31 is for the houses, relocation, demolition and the 4.5 is to pay hdr to do all the real estate transaction services. >> That's correct. >> And because these are only for 142 houses, all of them located outside the army co of corps of engineers area, is it correct to say this will not have any effect one way or the other for the prospects of being re I will bursed re imbursed downstream. All in project. >> Um-hum. >> I think that is most of what I need to know. Thank you mary mary what is the total? Just give me a number, the total of this entire project. >> For the 25-year floodplain is

[03:19:54]

35.5. >> The 34.5 is included with the 12. >> All of these items together is 34.5. >> Yes. >> Mayor. >> Mayor leffingwell: Council member spelman. >> I want to put a slightly finer point on it than that. The authorization is to be able to spend more than the 34.5 on downstream projects that are not included in this 28, he 66 or 67, so we're not actually spending that \$12 million now. We're authorizing another 7.5 downstream to collect the over 200 200 or so houses that are outside the floodplain. >> That's right. >> Are the houses that we're actually purchasing, have they been damaged or are they simply at risks of flooding? >> The ones in the 142 we are going to acquire now? >> Correct. >> Okay. A lot of those houses, they have substantial damage. >> Cole: So we're focused on those damages opposed to just as risk of flooding. 25 are at risk but a lot of those, 142, there will be substantial damage. >> Cole: And the other thing is, what process do we go through to determine whether any of those houses have collected flood insurance? >> We -- the ones that -- right now, we know who has policies. Of the 142, I can tell

you, if you want, how many houses, what is the percentage of houses that have flood insurance. I don't have that number with me, but we have recorded of what people have policies. >>Cole: And do we actually deduct the flood insurance that people have received from our cost of purchase?

[03:21:55]

>> In the last buyout that we just completed or are in the process of completion, we did subtract the insurance money required by fema -- as required by fema. We're still working on our policy going forward and how to do the appraisals, and that's something that we're trying to work through the pros and cons of each. So that is one possibility, but what we're thinking that more than likely we will appraise the properties as of the current date and so therefore, we would not be subtracting out insurance proceeds. Does that make sense? >>Cole: Do you have any idea what that amount is we would not be subtracting out? How do we have a choice, if it is not in the floodplains, to not follow the fema guidelines. >> We were following the fema guidelines when we were using the fema must be to do the buyout. Now we're using corps of engineer money so we will have to use their rules, which are different than fema rules. Now the third pot is neither fema nor corps of engineers so we will be addressing this in the future with council through a briefing or meeting letting you know -- or memo, letting you know, what is the best policy going forward? Use the corps, fema, the city of austin regs, or should we have a hybrid and that is still to be determined. >> Mayor pro tem, just to simplify all of that, my understanding is we're not paying -- nobody is getting paid twice. They're not getting paid insurance money and being reimbursed on top of that. That's been my previous understanding. >> That's correct. >> That is correct.

[03:23:56]

No one is receiving flood insurance funding and also being reimbursed for the full cost of the appraised value. >> That's right, on the homes we've bought so far to date, yes. >>Cole: Under this item. >>Mayor Jeffingwell: You put it like that and that is pretty cut and dry and simple. I would like to ask, with regard to the corps issues, John is here, government relations, I would like John to come up and talk a little bit about that. John and I have been working on this together for a long time and it is a very complex issue. Talk about reimbursement for the corps that's the main thing. >> I've been involved in a couple of those phone calls. The most recent phone call we had with the corps, the district office in Ft. Worth's worth, we talked about the agreement we are working on with them that discusses how the city will be paid the moneys that have been appropriated by congress this fiscal year and on going. And, we will be bringing that document to council once staff, our attorneys and their attorneys, have agreed to it. Right now, the corps is telling us that they expect us to be reimbursed, and you may want to comment on this, for those homes that we have purchased that are within the buyout area. We brought up the issue of possibly expanding the project to include the most recent data from the flood and we were advised not to attempt to do that until we reached the agreement that we're working on, do that first, and then see what it would take to expand the

[03:25:58]

project. In summary, that's where we are right now. >>Mayor leffingwell: So, when there is some money, as I understand it, in this year's proposed budget for buyouts. >> It is more than the budget. It's been approved by congress, so the corps has the money. In hand. Once the agreement has been made and it goes through their bureau accurate I bureaucratic process, six tensive, they can pay us. Right now, they expect to reimburse us for all the houses we have bought within the core project and that's the information we're given. It is not a certainty, until it is all agreed to. >>Mayor leffingwell: It's not over until it's over, so to speak. >> Exactly. >> So my understanding is that incrementally, the corps is going to begin are providing buyout funds. And when their share, according to the original plan is completed, then they would consider going outside but they're not committed to that at all. >> That's correct. And what we could do is, after we have completed the agreement process, which we hope to be done, have done by the end of august, we could -- it is my understanding we could then begin discussions about what it would take to modify the project to include additional homes, but I do not know what all that would entail. >> All right. Good. Any other questions on those four items? Council member martinez. >>Martinez: I want to go back to the point, you anticipate being reimbursed for the buyouts is

[03:28:00]

that since the floods, is that what you're referring to. >> I'll refer to moppy, because she knows which houses are in the core designated area and which are not. And they are only buying out homes in the 25-year floodplain, is my understanding. We have acquired 89 properties. So, the credit that we are sending them to the core right now, we began the process a couple of weeks ago. All the documentation of everything that we have acquired by the city since 1999. So once we've reached the limits of our co-share, we will continue and, like john said, they are telling us they are going to be reimbursing us for whatever it goes over. >>Martinez: So when we get reimbursed for funds that we EXTENDED THROUGH COs, WHERE DO Those funds go? Do we immediately pay off all of the debt or continue that debt service and put those funds into the water utility, or where do the reimbursements go. >> I will defer that to our finance person or somebody from the budget. >>Martinez: And, the reason I'm asking this question is I would want to know, does that create other opportunities to purchase more homes if we're still in that existing debt service and being reimbursed, does that allow cash on hand to buy out even further into the 100-year flood plan. >> As I see it now, we would continue with the debt service and work with budget to see if we could capture the reimbursement in a separate fund to make available for future

[03:30:03]

reimbursements, I mean future purchases. >>Martinez: Great. I would like for us to have a conversation, if you will, at future work session about that. I think that's a policy decision of the council in terms of what we do with those he reimbursements and it is something the community should though what we are planning on doing with those funds as we get reimbursed, moving forward. Mayor, we've had a request for a 6:15 time certain for this item. >>Mayor leffingwell: Who is requesting? >>Martinez: The community. >>Mayor leffingwell: It has to be sponsored by two council members. >>Martinez: I'm requesting it. >>Mayor leffingwell: Who else? >> I would support that. I hope we can have a discussion

about times overall before we end today because I think that's one of the resolution that there are a lot of folks interested in both of them so I'm hoping we can have them be adjacent. >>Martinez: The security communities item and this one, I think is request numbering since. >> That would be mine. >>Martinez: And this is 6:15. >>Mayor leffingwell: It would be a policy decision. But also the major policy decision to me is to go into the 100-year floodplain. I want to know a lot about that before I take that plunge, so to speak, because 100-year floodplain is all over the city and we're talking about very valuable downtown property, as well as probably a good percentage of hide park and otherred intosnary by. Once you establish that precedent that you're going to go that 100-year floodplain, that is a very big bite that should be very carefully considered. >> Mayor. >> Council member spelman,. >> Very briefly, I want to be sure we're all clear on the uncertainty with respect to

[03:32:06]

reimbursements when we use fema money, we use their rules for the reimbursements when we use army corps of years money, we're using army corps of engineers rules. But since there is no prospect of fema or army corps of years reimbursement in the future or under current understanding, we're free to use whatever rules which like and we're not sure what they're going to be yet, is that right? >> That's correct. What we're trying to look at is being consistent. Since some of the are properties are across the street from each other, we're trying to come up with a policy that is consistent so the homeowners don't -- to keep the confusion down and to make sure everybody feels they're treated fairly. >> Of the 142 houses we're talking about here, approximately how many have flood insurance? Are we talking about 10 or 0 or 70 or what? >> We don't have that information. We did an analysis but I don't have that. I would say more than 50% but I would like to check that number. >> More than 50%? >> More than 50% but I can get that number back to you. >> I would like to have that number, particularly for this 142, if you have it. At what point are we working through what the rules are likely to be? >> We're currently working through now, questions with the core of engineers and how to hear going to treat their appraisal program because we've identifies possible hiccups so they're supposed to be getting back to us in a couple of days. Once we have that information, then hopefully that will help us determine what's the best policy going forward so we're trying to look at that. >> So that's going to happen. It sounds like it is going to happen pretty quick. >> Yes, sir. >> How will you be notifying

[03:34:07]

council of whatever decisions you're making in this respect? >> We're going to work back through the city manager's office to figure out the best method. >> There's some council members hear with strong feelings about how that ought to be resolved. I'm not sure we all feel the same way about that. >> Yes, sir. >> If there is an opportunity for us to provide you with the benefit of our wisdom on this subject. [Laughter] >> how might we go about doing that? >> Yes, sir. >> (Inaudible). >> I'm not sure I have any, but I suspect some of me colleagues to. And I suspect, more importantly, we feel it would be an appropriate thing for us to talk about it. >> Absolutely. >> Both input and wisdom are welcome. [Laughter] mayor pro tem. >>Cole: I would like toed a sad that because we are in a -- to add that because we are in a situation that we're only following our own policy that has not been established

that we should follow the fema guidelines and that should be a starting point to avoid double recovery as the mayor has brought out and what I was suggesting, also. >> That sounds like wisdom. Go ahead. >> Thank you. >>Mayor leffingwell: Anything else on those four items? Okay, thank you. We'll go now to item 24, pulled by council member martinez. >>Martinez: Just want to give my council colleagues and staff a heads up on some amendments that have been requested on the civil service rules.

[03:36:16]

Have you been provided the pretty lengthy memo interest local 1624 as to suggested amendments to the proposed rules? >> We have. >>Martinez: Do you have any general comments to those amendments? >> In general, did I get a chance to meet with miss guthrie last week to review the document. And, in summary, looking at the revisions or the proposed rules, there are about 16 of them in total, and 13 of them were previously considered by the commission, and the commission did not recommend moving those forward. Of the remainder of the one that was not previously considered, our perspective was that we had a very extensive evaluation process of the rules where the commission deliberated over almost seven months, hearing staff, employee, citizen feedback. And there were items in the rules that we, as staff, as well, had concerned about but we respected the process, given the careful deliberation that the commission took. And so, as we indicated in our briefing, we did not recommend any changes that were not illegal or have any fiscal impact on our decision was to support the commission recommendations in light of what was submitted by ascme, there are rules in concert with what the commission recommendations were, specifically there are two, rule 7.02a-1 and a-2 which

[03:38:22]

gives the employee -- clarifies their right to continue the appeal pros so fer don't or promotion. We support making those clarifications because they were in concert with the intent of the commission, and have done so in the attached back up for with a was submitted for thursday. So those are already reflected. Those two changes that were proposed, and we made the commission aware of that because that did not change their intention, thoser things they discussed but was just not reflected in the drafting, the final drafting of the rule. So, overall, again, there were 16 proposed revisions and there are two that are inconcert with the commission's recommendation as that's what we support, because it's consistent with the vetting process we went through. >> The only two, 702-a and 705-a. >> Correct. >> Okay. >>Martinez: So there are a host of other amendments that have been requested. I don't think I need walk through each and every one if you have the memo, but I'm happy to do that if that's what is necessary. You know, some of them do have substantial change to the existing language, but I think after reviewing the requested amendments, I think it is certainly within our purview that this is part of the process and I'll just attempt to make those amendments and let the council liberate and decide whether or not they're supportive of them. I wanted to ask staff, when we get through thursday's idea i.T. And adopted the rules, what the is the implementation plan and the timeline for the rules to go into effect? >> As we briefed the council previously, we're asking a 120-day implementation. So the effective date of the rules would be october 27.

[03:40:23]

In order for us to have the appropriate awareness and training in a work force, and as you can see even from the document submitted, there's several different sources of personnel, policies, procedures that govern personnel administration that would have to be clarified, modified in order for us to make you sure there is not a lot of conflicting information among the work force, even by what is proposed in the rules submission. We think that that time is necessary to make the implementation effective for the workforce. >>Martinez: You said 127 days but what is the october 27th date referring to? >> Effective date. >> So 120 days days from the date which council a do thes -- yes. >>Martinez: So october 27 would be the implementation. I think for me, the concern is you know, the voters adopted adopted this in november of 2012 and we will be two years into the process before we implement these rules. So if council were to adopt the rules with direction of a sooner timeline implementation would staff be able to comply with that? >> If I may, you know, we're going to do the best we can to honor whatever direction we get from the council, but I think what you're hearing from our human resources director and the city manager is we think the 120 days is the time that we need to do an effective implementation of civil service. This is a significant and fundamental change in how we're going to be dealing with our employees across a range of issues. That's just the fact, going from where we've been to civil service, and I need not remind the council that there are any

[03:42:25]

number of other major initiatives under way, civil service is not the only one. On this very agenda today, there ARE 34 IFCs, ABOUT 27 OF THEM Give direction to the staff. You know, we already have -- I would dare say another 100 or so OF THIS NEARLY 150 IFCs. Most of them have due dates either by the end of the year or sooner. In the midst of that, as you know, we are in the middle of the budget development. So the implementation of civil service is just one of many, many significant things that we're attempting to get done by year end, so I would really encourage the council to honor the request of the human resources director and my request in regard to the 120-day implementation schedule for civil service. >> I appreciate that and I understand that staff has a lot on their plate right now. >> But, indifference to all the items you've mentioned, you've known this for two years. >> I think in regard to the things we were responsible for, that I believe we've met those requirements, if I'm not mistaken. I believe mr. Washington, in terms of the proposed rules, you had up to a year. Is that correct? >> That's correct, we submitted them in november of 2013. >> In terms of the commission itself, I don't know they were under a particular deadline but I do know, and it says here, I think it does or it has been said before about the 14 or so cases they met. You know, I think that they were working with all deliberate speed to carry out their responsibilities as they were charged. Once the proposed civil service regs were given to them.

[03:44:26]

So, unlike some other characterizations, not today that I've heard by others say, talk about some

deliberate attempt to delay, there is no deliberate attempt to delay. In fact, I can tell you that my staff, the director and assistant city manager and the whole human resources team, when it became clear that civil service was very likely in this organization, they begin the work early. You know in terms of going out and doing the research and talking to and meeting with other cities and really exploring best practices, because once this was complete, they know, they will tell you that the direction from my office with a given civil service, we intend, ultimately, once implemented to have the standard bears, the best civil service program in the countries. That is the mission that we've been on, it is the mission that we are on right now. And part and parcel with that mission, and that goal, we need these 120 days for implementation, we think. We certainly don't want to have had the community take this under consideration, the council took under consideration, a lot of people have been involved and not do a good job. In implementing because that will only result in complaints about the program. We will start out that way. And, we certainly don't think that the council wants to start out that way. We don't want to start out that way and we certainly don't want to impact our employees in a way, in the context of civil service that isn't correct. >> Appreciate that. The only thing I was going to ask to consider is that we, maybe is doable, maybe not is we align it with the fiscal year start of october 1. We're already saying that

[03:46:27]

october 27 is more than enough time, according to staff. I would just at least ask that you at least consider starting it with the fiscal year and the new budget. I think that's -- >> council member, I do appreciate that, but I'm not prepared to commit to that. >>Martinez: Understood. >> I support the staff has recommended to me they need 120 days and I support that, I agree with them. >>Mayor leffingwell: Other comments on this item? Let's go to item 52, council member more son. Morrison. >>Morrison: Thank you, mayor. This is an item to provide consulting services for the planning and development department, and I understand this is going to help you work on improving the process. Can you talk a little bit about that, greg? >> Yes, greg guernsey. This is a request to have assistants from a consultant to look at our process improvements both in terms of operational standards, organizational. Last year, we had met with several stakeholders, both developers, property owners, basically our frequent fliers, and they pointed out some things that we actually were able to implement, and then to look beyond that. Some of the things we're looking through is code next, but there is still operational concerns. I work in a building where I operate off of six different floors so it is rather confusing when someone comes to my office and says, where is that type of service available. So there is some redundancy just in that. We work with various types of software, I have different

[03:48:27]

staff. About 30% of my staff can retire in five years. There are organizational things we need to take a look at some we're looking for near-term recommendations, also, we would coordinate with code next for the long-term things. But, this is something that I think the council was interested about a year ago. I'm interested and now it is coming to fruition so I'm very excited about entering into this process. >>Morrison: Great, so this is above and beyond what you feel we have the capability to do and the

resources and capacity internally. >> That's correct. That's correct. I think bringing in an opinion from the outside, I think it would certainly illicit probably more trust of my stakeholders if I'm not looking at my own process in trying to figure that out and I think we've got consultants that you can look at to select from that can really offer some good suggestions, look beyond austin and bringing it back in a my office. >>Morrison: That's great. One of the things, one of the reasons this had sparked may interest, not only because we've been following this issue but also because, as posted, it is to authorize the award with the staff recommendation or one of the other qualified offers, and I noticed in the back up there was nothing about the other qualified offers, which we've had a discussion about that before and it is not particularly directed at pdr, but if the council has choice, we need to be provided the back up for the choice. And so you've now done that through the q&a and I appreciate that. And I wanted to talk a little bit about that because we have two ranked pretty high and one of the ranking criteria, well two of them jump out at me, between the top two.

[03:50:27]

One ranking criteria is cost and the other is local business presence. And the top two are sort of opposite in that regard. Is there anything that you could tell us about cost? I assume this is sort of protected and its just has to be reflected in this manner. >> I might allow the purchasing, actually, to address that. S I have adequate funds to cover the amount in my budget this year of the amount proposed in the rca. >> Do you have an adequate amount this year for negotiating with a second ranked? >> I think we would go into those negotiations and certainly try to make the best offer we could, probably I need to get flip with purchasing and discuss it more and get back to you an answer before thursday. >> Okay. >> And then the second criteria that jumps out is local presence, the one that has the lower cost also has a much lower ranking for local presence, as opposed to the ones with higher cost with higher ranking for a local presence. Can you speak to that? >> Well, the smaller firm is one that actually specializes in looking at basic planning and development departments across the united states, so they have an expertise in that area. I think the local firm has that expertise, as well, but probably does not specialize only in that area. So that's the difference I see between those two. >> Okay. All right. And I assume that if we with request it, we will be able to get copies, sign out copies of the proposal to take a look at them and delve into it a little bit more? >> I have to talk to the

[03:52:29]

purchasing department because they have certain rules and I will get you that by thursday. >> I understand I have to sign my life away to be able to read them. >> I'm not sure about that, but I'll bring it up with the purchasing department [laughter] >>morrison: As a general rule, we have two others on our agenda that say a staff recommendation or one of the other qualified offers. And I know there are different situations because if it is a contract, sometimes it has to do with whether or not the cost proposal is within 10% of -- or something or other, 10% of the lower cost one. And one of the things I do want to talk to purchasing about is, would it be possible for the staff recommendation -- because I think everybody on the council has an interest in promoting local business and the only way we can delve into that is by catching those words amongst the thousands on the agenda. And, what I'm interested in is

whether or not we could have a policy that the staff recommendation would, if things are within whatever the thresholds have to be, would be, actually, the local entity over, perhaps, like the lower cost entity. If they're within the threshold for making that decision. I'll talk to purchasing about that. For me, I think it would sure be a lot easier and bring me a lot more confidence that we're really moving forward every which way to promote local business. I know there have been times when various among us have actually pulled out one of the staff recommendations and switched it when we were in that case. So you probably can't answer that, Greg, you're the wrong person, but I see the city attorney --

>> Mayor Leffingwell: The city attorney wants to make comment.

[03:54:30]

>> Council member Morrison, there are two or three separate laws that you're talking about when it relates to purchasing. The one that refers to the local preference is the competitive bidding law. And the general rule under competitive bidding is that you have to give the award of the contract to the lowest, most responsible bidder, except the state legislature has given us that local preference, exception is if it is not the lowest responsibility bidder, then if they're local and not within that certain percentage, you can contract with them after they make that finding. >> Under those types of procurements, they're under the professional services procurement act and there are certain requirements under that act that talk about expertise and experience and things of that nature, so when this is posted the governmental body can choose the person with the most expertise. It gives you the opportunity to look at the expertise and those criteria if you don't agree with the staff selection. There's nothing in the professional procurement that specifically talks about local preference, however. Those are, like I said, based upon experience and expertise. So maybe what we could do is kind of set out for you the criteria that those different purchasing procurement acts have and, you know, kind of give you a checklist for the types of things that can you consider in these kind of professional are procurements. >> Well, I appreciate that and a couple of things with regard to the competitive bidding, I guess that's where I'm asking if the staff recommendation could be the local entity, if it's within that threshold. So I don't -- >> I think under the act, the staff can't make the finding. The council has to make the

[03:56:30]

finding. As far as how they actually put it on the agenda, that may be something -- >> a way to raise it can a flag. I would be happy to talk with purchasing about that. Secondly, in terms of providing with us a checklist, it was probably about two years ago I know that staff responded to a question I had because there is all sort of what I would say values that can go into various contract agreements that we make, aniseed asked if we could get sort of a check list of which ones come in to play in which types of interactions. And I know that it sort of went by the wayside and I spoke with one of your scouts last February who picked it up again and said, absolutely, we're going to get on it. I understand she left the city so one of the things we were interested in doing and seeing where we are on that effort. Thank you. >> Other comments? Council member Spelman. >> On the same issue, I think it might be worth the trouble either in that item or in general when considering items for a local preference to division between companies that have a business presence but are fundamentally national companies and

companies that are small businesses located in austin, texas. The county forum, form formerly known as pete hards is wick. It is not a local business. Zucker systems is probably a local business in san diego but it is not of concern to me one way or the other. We're not supporting local business bying about with someone who has an office in austin. But we might nobody a different circumstance, I think I agree with council member morrison, it would be a good idea for us to have a flag if a business is, in fact, locally based as opposed

[03:58:32]

to merely has a local office. The other issues, I don't want to go through all of the proposals as council member morrison is prepared to come to I wouldn't want to read through them all. >>Morrison: Only two. >>Spelman: I wouldn't want to read through all of these two. What would seem to be helpful is particularly since both kpmg and zucker systems have done work in this field in the past, planning development elsewhere in the united states, if there have a way of getting a client list, that was something which was provided in the proposals for each of these two bev a sense for what other planning and development review, see what other kinds of problems they are encountered and seemed to be a short way of getting a sense for what kind of experience they have without having to ploy through all of these two proposals is that something you can do without my having to sign my life away. >> I'll look into that with the purchasing debt and see what we can do for you. >>Spelman: I would appreciate it. Thanks. >>Mayor leffingwell: Anything else? That brings us to item 6, 68, pulled by council member morrison. Fire away, council member. >>Morrison: Thank you this mentioned sub committees and intergovernmental bodies we serve on. I want to begin by saying I'm fully respectful for all of the be work me colleagues do on all of the bodies we have to serve on. It is important work that we do and I know that there's a lot of nitty-gritty and detailed work that brings important elements to our ability to run the city. The reason I pulled this is I think we have a unique situation rate now with one of those bodies that raised concern for

[04:00:32]

me and that is the bcc coordinating committee. It's unique, we have two people who serve on that one representative of the city, and one of travis county and the body shares the responsibility of our joint permit, which is a critical permit because it allows us to achieve two goals, one is protecting the environment and the other is allowing appropriate development to proceed. And the reason I started, this came to my attention is because with the issue of the building of sh-45 southwest, the bccp coordinating committee may actually have a role in that because the sh-45 will be likely impacting habitat, which means the building of it, permitting for the building of it, could go one of two ways. They could go out and get their own permit for -- and demonstrate they're protecting the habitat or they could build under our joint permit under the bccp. And, if that can happen, if the coordinating committee finds that the building is compliant with our permit, which does actually cover flint ridge cave, we discussed, it is very close to sh-45 and it requires that we protect the environmental integrity of it as well as the species, the critters that are in it and all of that. The reason I bring it up is I know we have differing views on the council about building of sh-45 and the process and the studies that are

going to be done within that. And, we have, with a super majority, indicated our serious concern and promoted elements of

[04:02:34]

scope of the environmental review and also it occurs to me that I think it would be appropriate if our representative on the bcccp coordinating committee shares the perspective, s policy perspective of the super majority of the council, so that's why that would mean a change to our representative and so fully respectful of all the work that's been done and the representations that's been done but I think this is a unique situation I just wanted to get out there to discuss. >>Mayor leffingwell: Well, council member, obviously, this is about me. I have served as chair of the bccp coordinating committee for about six years now, and I really am a little bit resentful of having my environmental integrity questions, my commitment to the mission of the bccp. I think my record on that is pretty clear. With regard to sh-45 southwest, that is not within the city's per view. It is not even within the coordinating committee's purview that will be event way loo a decision made by the u.S. Fish and wild life. I do not anticipate that will come before the coordinating committee. I don't anticipate that being placed on our agenda. If we want to get into the business of questioning the integrity of colleagues on the council, which I take this to be, I think that kind of crosses a line somewhere. I think it not only crosses the lines of civility, but maybe

[04:04:37]

beyond the bounds. So I know there is a process and, evident re, if we go through this on thursday, it will be what it will be. >>Morrison: Mayor, this is not in any way addressing -- I fully respect your integrity, I fully respect the efforts you made in protecting the environment and the work I've done and I think this is a policy issue. It is, you know, it does come -- it may welcome under the purview of our permit, and there are just differing perspectives. So this is not a personality issue. This is not in any way a judgment call like that. It is a matter of perspective and policy. >>Mayor leffingwell: I do think it goes beyond the bounds of decency, to do something that's never been done before, neighbor, maybe in ancient history I'm not aware of by if we want to set that precedent and we have an issue we disagree with and do the deed of removing a council member from a committee I think that is a very dangerous precedent to set. >>Morrison: I'm sorry you feel that way. >>Spelman: Mayor? >>Mayor leffingwell: Council member spelman. >>Spelman: You mentioned a moment ago, sh-35 southwest has not been on the agenda of the bcc committee. >>Mayor leffingwell: We don't consider it to be our purview. >>Spelman: There is two of you that are voting members of that committee and either of the two of you could put something on that agenda. If you wanted to put something on the agenda, you could. Is that right? >>Mayor leffingwell: That's correct. >>Spelman: Would you put something like sh-45 southwest

[04:06:39]

on the agenda? >>Mayor leffingwell: I have no plans. I will not put that on the agenda. I've not in the past and I don't plan to do it. I think we have two meetings left for the remainder of this year. I don't

consider that to be in our purview. >>Spelman: Let me follow-up on that. You're not going to pit it on the agenda, you don't think is something they ought to consider and I agree with you completely. If commissioner dougherty were to put it on the agenda, how would you respond to that? >>Mayor leffingwell: Are you asking my what my decision would be? >>Spelman: I'm asking you a hypothetical question. If you go to the next meeting and they've put on the agenda support for sh-45 southwest, you said in the past you supported sh-45 southwest, on the other hand you said you don't think the bcp committee has any business weighing in on sh-45 southwest. So hypothetically, how do you think you would respond? >>Mayor leffingwell: As I've said, I don't think the board, the coordinating committee has purview over that so I would not be favorable to any kind of recommendation with regard to sh-45. >> Unless you vote for it, it is going to fail by a 1-0-1 vote and the issue is moot. >> We have a unanimous vote or a fail, that's the way it works. >>Spelman: Whether you are on the committee or somebody else the route would be the same because the committee would not support sh-45 southwest at all. And the u.S. Fish and wildlife service is not affected one way or the other so long as they don't reach a decision with a unanimous vote. >>Mayor leffingwell: Fish and wildlife makes theirs decision internally, I don't think they would be influenced by my recommendation or your recommendation or by the sos

[04:08:40]

recommendation. >>Spelman: It seems to me the critical issue for those of us opposed to sh-45 is not whether you're for it or against it or if you think this is something the bcc committee ate to look at or not, and whether you would support it or not support it as a member of the bcc committee and you're telling us you would not vote in favor the sh-45 as a bcc committee member that just as good from my point of view as if you were against it. We will get the same result either way. >>Mayor leffingwell: Well, you know, just to be clear, I mean, it is on the record that I have supported building 45 southwest, but what I have also statethat I don't believe our coordinating committee has purview to make a decision on that. >>Spelman: Thank you. Council member tovo. >>Tovo: Mayor, I want to begin by saying i, too, really appreciate the work that you've done on many environmental issues, including serving on the bccp. As you may be aware, we've heard concerns about community members about the possibility that the bccp coordinating committee might be in a position, and again, this may have more to do with your, with the commissioner who serves on it than you but that there might be some effort to weigh in on the environmental assessment and points in the road that would need to happen between here and final approval of sh-45. And so it appears, it would seem to me that this is a decision discussion, that is certainly an awkward discussion to have but it is, I want to emphasize, it is really not a personal

[04:11:15]

respect those other bodies and their decisions or do you feel you canned a wattly represent the council's position as a member? >>Mayor leffingwell: I'll stand by my previous statement it kind of feels like I'm on the witness stand leer but I will stand by my statement I don't believe it is in the purview of the committee and I will not put it on the agenda. And I'm not going to make news promises about what I would do if it were on the agenda, but that's up to you. I would not ask any member of it this council,

how are you going to vote on a certain item if it comes up on your committee, and if you don't, we're going to take you off the committee. I think that is totally inappropriate and beyond the bounds of decency. Mayor pro tem. >>Cole: When you stay is not in the purview of the committee, help me understand more about the bcc and why you don't anticipate it coming before you in any manner. When you say, no, that's for u.S. Fish and wildlife, I'm trying to understand that distinction. >>Mayor leffingwell: First of all, we're not talking about any preserved lands. No preserved lands are involved. There is always the potential for any development anywhere in the city or the county for there to be endangered species issues. As we've seen recently with the handling of the jollyville plateau and salamander and couple of others in northwestern travis county, and in williamson county, the fish and wildlife conducts that entire vetting process to make a decision where additional habitat should be said aside. The coordinating committee works with the preserved lands. Other comments? Council member riley. >>Riley: Just curious, mayor, are agendas for that committee posted in advance?

[04:13:15]

>> Yes. >> Publicly posted? >> All the standard rules that we go by bi. >> Are they public meetings. >>Mayor leffingwell: Yes, per public meetings. I think the last meeting was in the council chambers. >> Posted 24 hours in advance or further in -- at least 72 hours in advance. >> Okay. >> Any other comments? Council member tovo. >>Tovo: I appreciate your comments and perspective this is unusual, and it certainly is, but I do think that it is a consideration for the council of whether or not there should be a council member serving on it representing the majority positions. And so that is you know, again, the reason we're having this discussion here today. And I would, -- again, I really do appreciate your service on that body, but it does give me concern that, as we've adopted a very strong, a very strong resolution about our opposition to that road, it would really concern me if there are any -- if our bccp representative doesn't -- might not nobody a position to support that and I appreciate that you don't feel you can commit to particular positions and advance of that but I also know we don't have control over the bccp agenda. >> Thing is a larger principal involved here that would be, are we going to direct any member of the council that might be part of an intergovernmental body vote in a certain way, or are we going to follow the typical representative government way and allow, once that member is elected or appointed to make that appropriate decision considering all the facts that are available in many cases, only that representative.

[04:15:17]

>> I have a question for legal. >> I would appreciate that. I would say we don't often get in a position where the policy perspectives are so client aligned. As they are in this circumstance. I wouldn't say that as a council we should be in a practice of directing votes on other committees. But we do have an obligation, I believe, to the policy that we've adopted to at least discuss the positive that what comes out of that committee may be very different from the policy that we adopted in terms of our resolution opposing this. >> I don't want to get into a long discussion but it really amounts to directing newly appointed or elected bodies to follow the direction of council, and that's just not the way it works and I don't think that say appropriate in our system of government. Mayor pro tem. >>Cole: I have a question

of legal. A special-called meeting of council, does that require 72 hours posting? >>Mayor leffingwell: Yes. >>Cole: And is there a type 6 meeting that requires less than 72 hours. >>Mayor leffingwell: No, not if they're exhibit to the open meetings act. >> No, there is an emergency meeting but it is a very high standard. Basically, under the law you have to set out what the emergency is, specifically what would happen, what really, really bad thing would happen if you had to meet in less than 72 hours. I have never seen one of those posted. I know that when there was a hurricane in galveston, they had an emergency meets but other than something that meets that natural disaster it is hard to meet that standard for calling an emergency meeting. >>Cole: Mayor, you said you only had two more meetings of the bccp. >> We meet quarterly.

[04:17:18]

>>Cole: Okay. >>Mayor leffingwell: Council member morrison. >>Morrison: I wanted to full to a question in terms of the bccp in relation to this and the resolution that we passed goes into that a little bit, into the relationship, even though it is certainly not often conservation land, it does talk about the potential for impact, the environmental integrity of flint ridge cave. It could jeopardize a bccp and potential -- jeopardize a bccp and could potentially amend at a significant cost of time and money on behalf of the permanent holders which is us -- >>mayor leffingwell: Let me say, I can not support any action that adversely effects an identified spot or identified endangered species. That is part of our job on the coordinating committee. I mean, I would seriously be resentful of the implication that I would brush that issue and concern aside in the issue. Some other political expediency. >>Morrison: I would not suggest otherwise -- >>mayor leffingwell: It has been suggested otherwise. >>Morrison: Not by me. Sometimes science is back and forth and there could be differing points of view. One of the things we did here is encouraging the scope of the scientific evidence that it be in compliance with the feds and all that so already there's sort of some different approaches to the way things are handled. >> You know, you're talking about the future but I've been on this board since 2008, and I would challenge anyone to

[04:19:20]

identify one instance when I have not acted in the best interest of the preserved or the best interests of the city or the best interests of the council. Shall we go on to item 69? Council member tovo. >>Tovo: This is the item about ramps and I think my questions are primarily for the staff. When I sponsored a resolution to expedite building permits and waive some of the fees associated with accessible ramps, the request had come to us from a community organization that wanted the requirement for ramps waived. And so that was the question that we took to staff about, you know, we wanted very much to help this community organization that was building accessible ramps for individuals who needed them to be able to get that their house if they were in a hospital or in another facility and needed the ability to get back into their house there were several challenges they were facing. One, they might have maxed out on the impervious cover but they were finding it was taking a long time and sometimes these individuals who are, again, trying to return home, were waiting longer than they needed to because of the permit review process. So we set out with the intent of crafting an ordinance that might waive requirements and the staff very quickly let my staff know that was not really in the best interest in

terms of health and safety. So I need to ask you to talk about that with relationship to this resolution which I assume

[04:21:21]

is in response to one of the constituent requests. We dealt with two twice at council there was constituent that whyed different provisions onramps 30 inches and other, but again, we have sort of covered the safety and health issues as part of the original resolution. I wonder if you could -- and I can talk about some of the safety concern it as we heard. Again, when we raised with our planning and development review staff, the possibility of waving permits but there would be nobody checking handrails for safety, nobody checking for the load requirement, no one would be checking to ensure it was structureally sound but the finished service was done correctly. There were a variety of health and safety concerns that the staff raised with us about waving building requirements. So if you would address that, please. >> Council member, the constituent, I think, -- brought this to the attention of council and he's actually made the representation often a on a couple of other boards and commissions, as well. I'm not sure that exists in the commercial code but the time of the residential code in this particular resolution, I think this is a direction to reduce or eliminate building requirements. It is not necessarily waving it . Our permit requirements entirely, and I think we would have to go back and look. There might be circumstances where the slopes of the ramp might be greatly reduced, worse you might have a situation where it would not be as much of a concern. Jose is here, and I'm in the process of releasing some staff

[04:23:22]

in my deposit -- replacing some staff in my department so I think dan McNabb was the previous deputy building officials who worked on this. Jose is the acting deputy building official, so I brought him here with me today to answer some of the more specific questions. I did have the opportunity to converse, just before this item came up and asked the permit center if we issued any permits yet for ramps, residential ramps since this has gone into effect. And based on what I received back in correspondence, we have yet to have a request come forward, so there may have been an urgency at the time, but right now we haven't had any requests since april or may to issue any ramp permits. >> So, I have some follow-up questions. One thing, you're not experiencing lots of requests to build permits, I mean to build ramps. >> That's correct. They've only had -- the texas, is it ramp project, is the only one that made inquiries or issued permits. >> They were the organization who approached us and asked for some reduction or elimination of building requirements. They were very well satisfied with the compromises we struck which balance -- which balance the interest, the really substantial community interest of getting those ramps in there as fast as possible so that individuals aren't staying in hospitals longer than they need to. They can come home as soon as possible. But it balances that interest in coming forward as quickly as possible as the protection of the health and safety of the individuals using those ramps. I'm not sure what you're saying.

[04:25:24]

We got clear advice from staff it was not in the best interest in terms of health and safety to wave permit requirements. It does say reduce but it doesn't reduce or eliminate, so what has changed? You mentioned slope. Slope was one of the things that was particularly called out as being potentially a complication that requires some review on the part of staff. >> The previous resolution, they're going to be extended from the zoning and set-back requirements. The building code, the residential code, has specific requirements for the ramps and I specifically identify as a walking surface, exceeding the 5% slope. Now, a comment was made the commercial code always exempted those from permits and that isn't true. We exempted sidewalks and driveways with a 5% slope or less. On the residential side, a after could be built up to an 8.3% bout handrails. when you reach a certain slope. The distance from the ground. So we do have specific requirements in the call for the ramps and we're willing to look at these and maybe work something with an exception of 8.3%, still the requirement that needs to be mets you don't have to meet though requirements. Who is going to check those he requirements, that's the question. >> Certainly, things brought up by dan and discussed in your office in the past, we would look at those in light of the situation. The resolution, the big concern with set backs and impervious

[04:27:24]

cover because that was an impediment of getting the ramps in. There were additional things the properties can't even face and get them in because they already exceeded those limits or they are in an area which would then permit it so this is something they take over. >> However, part of that resolution, because it was allowing people to add impervious cover and be in the set back, part of the provision is it would have some kind of city review to make sure that was done in a way to be as minimally impactful as possible without any permit there won't be any review, you won't be able to ensure that those are being done to be as minimally impactful as possible and the enroachment into a set back would be the minimum amount necessary. You won't be able to assure that because you won't be reviewing them. >> And we would take a look at that in light of this direction, if it is approved by council. Are there many structures built without permits on residential properties tad that we rely citizens to file a complaint on or the compliance department would look at it if they come across it in the field we don't treat those structures as one less permitted. If you would build a small shed, electricity complied with the building codes, it meet nobody a set back, for instance, and that is something that would have a concern to staff. That we would pursue. If there was something wrong with that, but they don't require. >> I guess I would ask, do you feel like there's a real need to move forward with a resolution that waves permit requirements or substantially reduces them based on the year-long discussion we just had about the best way to move forward and

[04:29:25]

allow that balance between getting those ramps in place as soon as possible but still balancing the interest of the cities make sure they're done swole people using them aren't harmed, as has happened in other places across the country. >> We were certainly want them to be safe. If given this direction, we will take a look a that very issue. We would need to go back and look at that further, if that's really the

direction that council wants us to take. >> In the circumstance you mentioned that would require the person building it to be really clear about what their slope is. I'm not sure, they would need to make that decision and assessment on their own. If will is no permit required, they're not going to be in your office, ask youing to you verify what the slope is and go through building process, they're going it to be arriving at that alone. >> The current councilmember and we have to 2008 with other types of permits we do not require to for certain types of construction. >> Given this was a discussion, the special discussion we began with staff and we heard concerns about it and moved forward in a way that staff recommended, why do you feel that there's a need to initiate a change of this sort? >>Mayor leffingwell: Council member riley? >>Riley: This is an idea that came in the last discussion we had with respect to reports. We've been undertaking a series of measures to promote the accessibility of homes in austin. Currently, if you're at single family home or a duplex, if you're building -- if you want to put in a ramp that is less than 30-inches high, there is no

[04:31:26]

need, the code does not require handrails. But the code does require you to pull a permit, no matter, even if it is a very simple matter of a very simple ramp, I know I have a ramp, a small ramp at my own house that doesn't have guardrails, currently code says you've got to go and pull a permit. The idea behind this amendment, there may well be circumstances we don't need to require a permit every time you're putting in a simple ramp. Maybe we will find that every time for every ramp we absolutely have to require building permit, but based on what we heard so far from staff and stakeholders, it appears there may well be circumstances where a permit really is not required. We may still have code requirements as staff has indicated. Where a permit is not required some we allow people to go forward and build those things and leave it could a complaint process but the idea is simply to reduce the burden on homeowners and others who want to put in ramps, as well as the burden on staff. Right now, with the staff, as we know, have been overwhelmed with the number of requirements. Requiring permits for every little thing and we may well not need permits for all of the situations. And really, I believe strongly that visibility is one of those areas where we should be thinking about whether we really require permits for every little thing and this is one little thing, a small ramp that doesn't require guardrails, there may well be situations we may want to allow people to install ramps without going through the whole process and pulling our permit to put in a simple ramp. >> Mayor? >>Mayor leffingwell: I would say I agree with all that. Council member tovo. >>Tovo: I would say I believe strongly we should be looking carefully at our practices,

[04:33:27]

which is why I sponsored the original resolution that led to the ordinance we adopted. But I need to correct what you said. The staff did not recommend removing the permit, as I just articulated. We asked staff for that option and they recommended against it so we had a long stakeholder process at the planning commission and others, and I believe mr. Hersh made his suggestion at that point. The ordinance that came forward incorporated, and I'll mention again, the organization that asked us to look at this particular issue was satisfied with the result, so I don't think it is fair to say stakeholders and staff

will recommend waving the permit, it is inaccurate. I guess I would also have to ask staff if you could get us numbers by thursday, it sounds, you know, if there is an urgency and we have so many permits coming forward that are taking excessive staff time that may be an issue worth looking at. That's not us what heard you say. It sounded as if the permits coming forward for staff review with regard to ramps are pretty manageable, and again, I would say in the interest of health and safety, we ought to make sure they're being done correctly. Handrails are not. There are other ways -- I mentioned several that staff had told us, load requirements, structural soundness, slope, the finish on the ramp, accurate with whether the ramp meets grass. There are many things that can go wrong and pose safety challenges for individuals using them, largely for mobility reasons. You know, there are all kinds of things we can do to be expedient but we require permits for various reasons. It would be faster to build a house without permits but there are reasons we have them. >> I got a text message that indicates there were 10 ramps

[04:35:28]

for the texas ramp project that did receive permits since that ordinance went into effect. >> And that was in what time period? >> Since last may. >>Tovo: So in the last year. >> Yes, you voted on it earlier this year this may. >> Last month. >> Right. >>Tovo: However, please know that the texas ramp project had many of their projects waiting for the final adoption of the ordinance, so I think if we really want to know, we need to look at it over a longer period of time. Again, I'll say the, it texas ramp project, I was supporting it. They felt this was a situation that worked for them because they were waving fees, expediting the process so it is not cumbersome. >> Now, to say if staff and the texas ramp project feels strongly that a permit is absolutely required in every situation where somebody wants to install small ramp, I will request that. I'm suggesting we take a look at whether we need permits in all those cases. >>Mayor leffingwell: Other comments? We'll go to idea 73, pulled by council member tovo. >>Tovo: Okay. This is an item I pulled because we didn't have a chance to talk about it yesterday and I don't have, I don't believe I have any questions, I just want to explain the circumstances that have led to it. We've gotten calls and e-mails from several small businesses, including one, and I may or may not get these numbers quite right but it is a very small business, they, I believe, used

[04:37:29]

between 400 and 600-kilo watt hours a month under our average residential homeowner in terms of their energy use their bills have increased to something like \$330 a month because of the demand charge. And so we've heard a recommendation from at least one member of our electric utility commission that we take a look at whether the demand charge for our smallest business is impacting them more than is really the demand charge or customers having between 10 and 20-kilowatts. It is not issuing a -- it is not embarking on a change to our demand charge, our current practices, but it is asking staff to at least look at this, maybe have a few community discussions about it and see whether our small businesses within that, who fall within that category are experiencing negative impacts as a result of the rate change. Again that particular user is open two or three days a week, very minimal use, very minimal use of the demand charge will have an impact on her business and her cost. And, it was exacerbated by the fact that those -- exacerbated by the fact that those customers who received the request

for back demand charges long after they had been incurred so her bill was over \$1,000 that she needed to pay in terms of back bills. I mention it not because of this one particular customer, though I'm concerned about this one particular customer, but I'm concerned there may be others in that category. >> Good morning, councilmember. As you know, I think we are planning to update the cost of service in the cost of service study in the coming year, and we will be bringing to you in the fall a contract for a rates and regulatory consultant who will

[04:39:30]

be assisting from that effort and that consultant will be asked to look at a number of different issues related to how we set the rates in the last rate case and evaluate different boundaries, et cetera, and we're happy to examine this issue in detail when we bring that consultant on in the fall. As for this specific customer and any other customers you may be aware of, I'm not familiar with this customer but we're happy to meet with them, look at their specific energy use and bill and make sure that they have the energy management advice and services that we're able to make available to them through the energy efficiency programs to see if there is something we can do to moderate what may be an excessive bill. >> I appreciate that. I want to say publicly how much I appreciate austin energy staff for doing that. I believe there is someone in austin energy who looked and said another look would not, certainly wouldn't hurt. Did I find the anymore. Her bills went from \$90 to 330 a month and she received a back bill for 1200 for the past demand charges. She is open two days week and I appreciate that you're about to undertake a toro analysis of this. -- A really thorough analysis of this. I wonder if it would make sense to ask our electric utility commission to put this on their agenda, invite people to come and talk about it so we can get a sense of a scale or scope, how many customers fall into this. We did get an answer back to council member spelman's question how many fall into the 10 to 50-kilowatt hours. I will be interested how we fall into the 10 to 20, we may not fall into many customers significantly impacted by this change and that might give us some information how best to move forward. I'm a little concerned about not addressing this issue for a

[04:41:30]

customer like this for several more years. >> Council member spelman. >> Do you think you would be able to get a report back from your rate consultant? >> I would imagine that would be around the end of the year, the beginning of next year. >> Okay. >> If I understand the schedule, we will be coming back now october for selection and approval to hire that consultant. >> So, october, they start work in october, november, and then we come back to the next council, including me, some time in, what, february, march, something like that? I would think so that will feed in facially for the timing for the updated cost of service. >> Okay some this is actually going to be preparatory to the fill blown cost of service study that starts some time next year? >> Yes. >> Okay. But we are anticipating that we might be able to make some fairly small changes of this kind before actually undertaking the full cost of service study next year. >> Well, we would bring you back the results of the review. >> Okay. For our purposes, we would incorp rate that into the cost of service study. -- Incorporate that into the cost of service study. If you have other direction, of course we would follow that direction. >> I see what you're saying.

Thank you very much. >>Mayor leffingwell: Other comments? Let's go to item 89. Council member morrison. >>Morrison: I just have -- I want to make sure I understand how some of this is going to work. This is to continue the work on airport boulevard that's been

[04:43:30]

under way, and as I understand it, this is looking at actually getting the writing of the form-based code in response to the vision that's been defined for the -- getting that started. And, would you say that's a fair assessment? >> Not exactly. Mayor? >>Mayor leffingwell: Go ahead senate running of the code has passed off the coast, not just start national draft form-based code at this point. Staff have already been engaged in a lengthy process with austin community college about how we could work toward a partnership between the city and austin community college with respect to the development of the highland mall site this resolution aimed at supporting a partnership along those lines, and more specifically, to move us in the direction of exploring alternatives for financing the infrastructure that would be helpful to further the vision of the process that's been on going with respect to the highland mall site in particular. And, there have been a number of positive, thes put out there, in particular, one possibility for financing, for providing help with financing the infrastructure improvements out there is a taxing from a financing district if we do want to move forward with a tif to support, to help support infrastructure at the highland mall site, it would be very helpful to make progress on that tif this year. My understanding, we expect dirt to start turning on the highland mall next year. If tif is to be put in place, there would be real value in getting that tif in place this year. So I appreciate you pulling this because I think it is very

[04:45:30]

important we have a council discussion about that to make sure we're all on board with that expectation that we would like to move forward with exploring financing options, including a tif for the site. >> I appreciate that and I'm very excited about the highland mall site and the opportunities it brings and I'm very interesting in looking at what options we have in supporting that and creating sponsorship. I zeroed in on one line, timeline for the form-based code and the highland mall site and the corridor so it is really a tangent to all of this. What I wanted to ask, when we talk about the burnett corridor study that we kicked off at our last meeting, one of the pieces of that was it was going to, in a way, form for code next because the community will be developing a vision.

[04:47:39]

>> Now, your point is very well taken that it would not make any sense to have a base code serving that area that is incompatible with the code -- with the rest of the city code. So that's why I supported the transition from gateway to optico, so optico would be taking it from here. They take the draft code, look it over, and modify it or do whatever they recommend to ensure that whatever code we have in place for the corridor is fully consistent and in compliant with the code that they are preparing for the rest of the city. And with that, I think it would be helpful to hear from staff. >> Good morning. I'm with the

planning and review department. Thank you for allowing us to brief you on this item. It is correct this morning that we are coordinating with our land development code consultant in trying to align both initiatives so that you don't have two sets of regulations. There's a tremendous amount of progress that already has been done at the highland mall site with actual construction going on with the acc building itself, that they're getting ready to open next month for their operations. In addition to that, there's a private developer that's interested in initiating some of the work on the surrounding area of the parking lots. That's something we've been working very hard with that developer to initiate the process by which they can have their entitlements in place through the form base code. So we do have a drop that's already been prepared that we have been successful in negotiating a contract with optico design, so that both initiatives are in alignment, so we don't have two sets of regulations. We feel pretty confident we would be ready to bring something back to you later in the fall in terms of the highland piece so that can be validated through the public hearing process, individually to council for you to consider if it's appropriate to move forward with that. We're trying to align that with the presentation that you will

[04:49:40]

get later this year, possibly in the fall, as to how the code framework for the code, the entire land development code provision, may work. So try to align those two initiatives, and you don't have two sets of regulations moving forward. Does that address your question? >> I guess I'm still a little confused. You know, so we are going to write some code before coast next, and we're just going to ask opticos to be -- have the foresight to make sure that it's not going to contradict, or that it will fully integrate into what we eventually end up with two years later. >> That's correct. And the key reason for that is because we have a vision set for airport boulevard, that the community has braced and taken ownership. So we're careful to take the provision and translate that into code that would implement the vision. >> Okay. I still don't quite get how that's going to be -- if they're going to write code now, how do we know the general code that we want to write is actually going to align with what we're writing now? >> And that's what we're trying to get to that point in the fall, so that we can align those two. You have a vision for what the land development code revision would look like, and it would wrier that from time to time. >> So it will at least fit into the framework. >> That's correct. >> Okay. So you say we renegotiate our contract with -- or we increase the scope or whatever with opticos. Is that coming to council, or is that something that can be done under -- >> it's done under administrative authority, granted by the council to the city manager. It does not incur or increase the cost for the scope because it was expenditures that were allotted beyond the scope or contract with gateway planning.

[04:51:42]

So it's not encumbered with gait way planning. We will come back to you in the fall and ask if we can proceed with moving some expenditures over for work specifically on airport boulevard. >> So there were some funds left over because it didn't come to full fruition. >> And that, we will need direction from the council to allocate that for work to be done specifically for airport boulevard by opticos. >> Okay. Part of the reason I'm interested in that is, we have, I think, a half million dollars on our, quote,

wish list, for expanded services from -- for code next, of all the items that we've discussed in terms of more involvement from optics and expansion of the envision tomorrow tools, so I guess I want to be real careful about where our funds are going, because I think those items are really important for the success of code next, that half million dollars. >> And that would be a separate process, councilmember, that whatever money is left over, we want to specifically target that for airport boulevard so that there's not another lap of services. And we still are able to accomplish the direction you gave us. >> Thank you. Councilmember councilmember martinez. >> I have a question. It's probably more for financial staff, because when we're talking about -- excuse me -- when we're talking about potential tif's as a funding mechanism for infrastructure infrastructure, I'm supportive highland mall, but how do you prioritize previous council's actions? We've adopted items that help us create the preservation district, that is in the form of a tif-like mechanism. We've adopted resolutions speaking to tifs and ter's along project connect points, more specifically along the red line, which is at highland, and if we

[04:53:43]

use a tif for all of highland property for highland, then that precludes us from adding a tie or a tie for commuter rail expansion. So how does staff view, when an item like this comes up, does it go to the top of the pile, the bottom of the pile? How do you figure out which one do we implement first? Because we know that, per financial policies, we have a cap, a hard cap on how much we can tif throughout the city. >> Greg canale, finance department. Let me first address the micro issue of the highland mall redevelopment and then kind of come back to that broader question, which I think is pertinent, and we've talked about in kind of more detail back in the spring. As jorge and greg mentioned, we have been working with akc and red leaf, who had the development rights on highland mall with their partnership with acc in place. And part of that dialogue has been looking at public investments in that -- in that development, both potentially along -- around the development, and as well as in the development, and that ranges from specific things on water quality ponds to other infrastructure in the area. In terms of the tools and the funding mechanism for that, at this point we're looking at a full suite of potential options that would be anything from looking at existing -- existing funding opportunities within our watershed department, within our bond, within our streets, to see where we can leverage existing funds, as well as looking at other opportunities for -- if there is opportunities for value capture. Specifically, as we have those discussions with the developer, what we need to ascertain from them, and we've had very good dialogue with them, is looking at, like we have done with our other developments that we have been, in essence, the lead on, whether that is neil or c-home, we put out conditions about what

[04:55:43]

kind of attributes we're looking at from a public investment, we're trying to get to a baseline pro forma, what is a development right now planned for out on that site, and then what would a public investment in that site add to that development potential, so we could actually create a baseline. Because right now, there is a development opportunity out there that the private marketplace has already put in place, and what we would want to ascertain is an understanding of what public investment would help

to potentially enhance that development so there would be an opportunity for value capture. So specifically, those discussions are continuing with -- again, with both acc and trying to get some -- trying to go into a place where we're getting more of really a kind of nitty-gritty discussion about some of the financial perspectives and pro formas out there. Globally, on the issue about -- to tif and where not to tif, back in the spring elaine was here to talk about an overall tif policy, our procedures, and what we do. Certainly we do have a limit on what we can do. I think what we do, councilmember, is, we oftentimes are certainly aware of the different potential for investment needs where value capture may be an opportunity, and I think before we present any specific tif plan, what we would do is present, obviously, the contacts, because other ones, I guess, are in a holding pattern around that, so that you can have a sense of where -- where we would be, for example, if the five or six or seven potential ideas for value capture are all put in the mix at the same time. In essence, we would spit out and just show you what that would be. So I believe it's on our -- it's on our desk so to speak, if we bring forward one, in essence, we would bring forward, as best as we can, the context of what that would be, if the other ones being discussed would also be laid out at the same time. >> So when you look at things like the preservation district,

[04:57:44]

it is not technically a tif, but it's the same funding mechanism. So do you apply that to the tif policy of a hard cap that we have in place? >> I think we would -- I think I'd have to work with -- we'd have to work with law to understand the calculation of the way the tif -- our policy is 5%. State law is higher. As we work on homestead preservation, and that is a project we're working hand in hand with neighborhood housing on, as those recommendations and that planning process continues, as well as a discussion that we had from project connect not only urban rail, but the red line stations as well, which -- some of which have been created a decade ago as opportunities for that. So certainly, we have several tifs in place now. We have four tif's in place now, as we look at creating more, as we even bring forward the opportunity or the concept to create one, we want to make sure that we always provide you the context for all the other discussion items that are on the table. >> And I just want to make sure we understand, I guess, the theramifications, if we move forward -- >> this specific resolution did call for us to look at opportunities for public investment to help accelerate that project, to partner with highland mall, and we are doing that, and the original resolution to look at all financing opportunities, tif being one of those potential options. >> Are you also talking to them about a potential pid? >> Again, our first critical step is getting from acc and the developer really a baseline of what their potential development value is going to be, both from a timeline perspective, from a cash flow perspective, and from a an overall value enhancement

[04:59:45]

perspective. We need that baseline in order to go forward and understand what would be the best financing tool to put in place to make sure our partnership could be successful. >> And so as it comes back to us, I think that's obviously where I'm going to be focusing, looking into the impact to other policy decisions we've made as it relates to tif's and tax reinvestment zones for urban rail -- I mean for the

commuter line, the red line. >> Just to be absolutely clear, this resolution does not commit the city to spend any money whatsoever. Correct? >> Right. >> Mayor Leffingwell: All right. Councilmember morrison. >> Morrison: Thank you. Just to follow up on councilmember martinez's comments, and I appreciate the work you're going to do to help us see the broad picture, which is very important. And he mentioned pid's, which obviously can only be put into place if the property owner volunteers and is interested in that, but I do think we need to take on a fundamental sort of negotiating stance, and that is to always keep in mind that that is one of the elements that can make something work, as opposed to us just having the assumption that, well, we're going to have to do it all with a tif. And I don't know that -- >> going to have to do -- >> Morrison: Something all with a tif, as opposed to asking the property owners that will be enjoying event well increases am their property values to participate also. This might be a special situation since we're talking about maybe only one property owner, so I think it's -- it's just something to fundamentally integrate into our thinking. >> We couldn't agree more. As the staff has indicated, all of those elements, all that you've heard here are on the table. We view this resolution as just really as a strong and further encouragement of -- and councilmember riley already indicated, the work that's

[05:01:45]

really been going on. We s -- we sent, I think, the council an informational piece regarding the same matter. Given our work, we wanted to elevate this up to the council so that you were fully aware that these parties were talking, the city and the university -- I mean, excuse me, the college and so on and so forth. So, you know, nothing's etched in stone. We're still exploring the full range of options. I would add, though, I think the vision that's been articulated, obviously, by the community college, by the prospective developer out there, is really, really exciting, and I think, you know, fully realized would be one of the next great projects here in our city. I think that's what the council members are interested in, and see looking down the road as well, if I've accurately represented your sentiments well, councilmember. Councilmem councilmem ber riley. >> Riley: That's absolutely right. I think this is a very exciting opportunity to undertake a partnership with austin community college to work with them toward the establishment of a real showcase out there at the highland mall site, that we can all be proud of. And I think this is just one more step in that direction. I think, just generally, a tif or some other mechanism like that could be very helpful for purposes of getting an infrastructure in place that would help support the establishment of -- of an area, of a new urban village around that campus, and I would expect that something like a pid might be appropriate for an ongoing operations and maintenance, just as we see with something like the austin alliance. But I will look forward to getting a report back from staff to get their sense of exactly what tools would be appropriate to apply here.

[05:03:49]

>> Mayor Leffingwell: Yeah, I agree. I think the possibilities are great, and I think we would be remiss if we didn't explore opportunities here, because we have the nexus of a huge student population center, along with mass transit options that kind of converge at that point. You may have already mentioned the red line, and possibly an urban rail depot at that same place, so the possibilities are great, and I

don't think we should pass up the opportunity to explore ways to do it. All right. Item 97, pulled by councilmember tovo. He just have a couple quick questions for the sponsor and one for the staff. This is an item that would direct the city manager to prepare a budget amendment to be considered during our budget process for the sunshine camp. I want to start by saying I really like what the sunshine camp does. This is not to cast aspersions on their camp. I used to have a girl scout troop. A lot of girl scouts attended the sunshine camp. It's a tremendous community resource. But because we're looking at providing them with some financial assistance, I just need to better understand this. So do you have a sense -- are all of the expenses that would be required -- or proposed to be waived, water and wastewater meters? It says water and wastewater meters expenses. Are they strictly water water and wastewater? >> I believe it's strictly water and wastewater and the amount is approximately \$25,000. >> So there are no -- so those with all the costs they're incurring as part of their construction. >> Yeah. And the amount of \$23,350. Those are costs associated with

[05:05:49]

the construction and our water and wastewater meter expenses. >> We're not waiving these fees, all we're doing is having the park pick up the fees rather than having sunshine pick up the capital recovery fees. >> As I understand the be it therefore resolved clause, the intent is that the general fund reimburse -- would those be paid typically by the water utility? >> The sunshine camp people, as I understand it -- I'm speaking on behalf of sarah, and, sarah, please feel free to tell me off if I go too far astray. But the sunshine camp people with building a building, which would be useful for them, but also be very useful for the parks department, and at least half of the total use of the building would be by the parks department and by the public, not just by the sunshine camp people. Is that acc, sarah? >> Close. They are undertaking their new development, which is replacement of their existing facility which served lower economic and certainly high potential use in this city, that we could not otherwise serve. So, number one, they're serving youth that are helping us in a large capacity. Number two, I believe the fees are not waiving the bills, per se, but the connection fees and the -- the proposal, as I understand it, is more about finding funds in the general fund, albeit if it ends up with parks & recreation, I was under the impression it wasn't coming out of parks & recreation budget, but it is to waive that one-time connection fee, or from council to direct -- to find the \$25,000. We will be receiving some use of that facility. They have a meeting space, and so they have offered and allowed us -- will allow us to use that building for meeting space, as

[05:07:50]

well as will be working with us as a place for future issues related to emergency operations when things happen in the city that we cannot control and we need a staging area for volunteer groups, including city staff, this would be a site because they have the opportunity for housing with showers and bunk beds and such. So there is a huge benefit to the city, and to the general public as well. >> And, sarah, we're asking for -- I'm sorry, did you -- >> I feel the same way about sunshine camp as everybody else does, and obviously, I want to try to help them. They're a great organization. I just want to try to find out what the difference here is between -- at the last council meeting, the council made the decision not to

fund water and wastewater impact fees because, quote, they would be -- have to be absorbed by the rate payers. So what I'm seeing here so far, they wouldn't be absorbed by the rate payers, but they would be absorbed by the general fund. So -- but it's kind of the same thing. It's an expense that, on principle, the council decided not to support two weeks ago, and here for another -- you know, both very worthy causes, I would be happy to support both of them; I just want to try to resolve any apparent inconsistency there. >> Mayor, if I might. >> I was going to say, this item puts these fees on the agenda for discussion during -- as part of the budget process, so this is not a final awarding of those expenses. >> Mayor Leffingwell: I understand. But I think, obviously, I'm projecting myself ahead a little bit to say, okay, these types of impact fees are okay, these continuing impact fees are okay, but these are not. I want to resolve that inconsistency. >> If I might help give you something to think about while you're trying to resolve the inconsistency. If this building were built by

[05:09:50]

the parks department for the use of the parks department, then the parks department would pay the water and wastewater department for the capital recovery fees. That's the way it works, if we're building our own buildings. Because this building is going to be used for the benefit of the parks department and very largely by the parks department staff themselves, then it seems to us the best way to think about this building tends to be as though this were a parks department building, and the rules that should apply in this case would be the same rules that would apply if we were building a building for the parks department. >> Mayor Leffingwell: Thank you. That's very helpful, and I think that goes a long way towards explaining what the different situation is that it would be, as I understand, primarily a parks city facility, although both projects very much benefit the city. And my phone has a little button on it that you can silence the sound on it. >> Spelman: I thought mine was on. Now I checked that. >> I do need to correct one thing, and I'm not trying to be argumentative, but we will not control that building. It will be through the sunshine camp and -- >> oh, I understand. >> But it is in support of programs that we will not have to do. We could not afford to do the work that they do and the serving of the young people that they serve. It's overnight camps. So while we may not physically be there all the time, they're performing and doing the work that we could not do at the -- well, currently in our budget, and certainly we'd have to ask for the money to be able to do it, and that is something they pick up and do on a regular basis. >> Mayor Leffingwell: Thank you. Councilmember tovo. >> Tovo: Just a few more questions. Typically, if you're building a building, you'd be required to pay these fees and they would come out of the parks budget and go to the water utility. >> That's correct. We do pay the fees when we're building a fault for parks & recreation. >> Tovo: And so this proposal would add money to pard's budget so pard could pay those fees for

[05:11:51]

sunshine camp for the water utility. >> Yes. >> Tovo: Okay. >> Yes. >> Tovo: All right. Thank you. Councilmem councilmem ber morrison. >> Morrison: I just have questions for -- maybe for our financials staff because this is one of many, many resolutions we've seen recently that ask staff to develop a budget proposal for us to consider during the budget process, which I think is great because it's

essentially establishing -- did we call it a wish list last year? In terms of we went through a nice process where we had everything on the table that people were discussing, we had costing information about the mall, and we were able to see collectively that it was way too much, and we were able to make our decisions. And so I wanted to ask staff about that, so it looks like we're preparing for that here, and I wanted to ask about timelines you would see and what if there is something that comes up late in the game that a councilmember might want to consider, is that going to be possible? Or should we really think about trying to get every single thing we might want to raise as a resolution? >> Elaine hart, cfo. Certainly your budget staff has been collecting all of the ifc's that we have seen here to date. But -- and we will be evaluating and looking at those in our preparation of the proposed budget. Once the manager delivers the proposed budget july 31st, that did understand it becomes the council's budget, and the council can change the budget as they wish, anytime through the budget adoption process. So, you know, you're not limited by a deadline by which you have to get ifc's or resolutions, and

[05:13:51]

certainly you can make a call to the city manager and -- >> okay. >> -- Tell him what you'd like on a list and we can accumulate that. We don't have to get an ifc, to get that on the list. >> I guess that was the question. I can see there was a benefit to the ifc process, because at least then if it didn't get four votes through an ifc, you could just save your time. You didn't mean to suggest that all the ifc's to date are going to be -- are going to be integrated into the city manager's budget. (Laughter.) >> I'm sure she did not. >> Okay. >> But we haven't really had a chance to talk about it, you know. Elaine is correct. I mean, we've been collecting them, but the budget team and I have not had an opportunity to really think through how to process those as we develop -- as we develop our budget recommendation for council. I think that -- when I listen to your comments, councilmember morrison, I'm thinking about a previous occasion that I think you were alluding to where there were some things that simply were not reflected in our budget the way we recommended it, and we heard that in this room. And so we were able to go back into the recommendation that we had presented and make some adjustments in terms of assumptions and other things, but essentially we sort of created a -- we call it a ballpark within which you all were able to address a number of issues. That approach doesn't -- doesn't -- really won't work here because -- no. Again, we have to think it through. There will be a recommendation, you know, how we present these

[05:15:53]

things that have come up, of course several council meetings. We'll figure out how to do that, you know, because some of them say, for example, to give you options about how to fund them and the context of the next budget. So it's just a little peculiar. So we haven't quite got it figured out yet. >> Morrison: Well, and I think that the budget q and a process might also be a vehicle for asking how much would it cost to do such and such in preparation for asking our colleagues to consider that on down the road, in terms of a budget adjustment or something. So I know budget time is always really crazy for you all, and I think that certainly I'll try, and I think everybody, as is demonstrated here is trying to get their ideas out there on the table as early as possible. But as you say, that doesn't preclude anybody from bringing something

up at the last minute because it's our budget to work on. Okay. >> Mayor Leffingwell: Okay. Thank you. Item 100, councilmember martinez. >> Thanks, mayor. I just want to ask council members and maybe ask staff as well, what -- first question is, what is the current use of the contemplated site at 411 chicon, and how many employees use that facility? >> I'm assistant city manager. Building services is under my portfolio. I'll ask david, the assistant director for the department to answer that one, then I'd like to come back to some broader remarks. >> We currently -- the main

[05:17:57]

tenant, we have approximately 157 employees. Ems has hasn't operation out there with six employees. Transportation currently has ten. Swat currently has 25, and the waller creek tunnel and recent tenants have ten employees. So that's a total of 235, with potential for more, probably plans for more. >> And so if we were to put this out, I guess, through an rfp process or whatever, where would we put these 235 employees? >> So if I could draw us back up to the broader discussion, as you well know, back in april, I think council put forth and adopted a resolution that talked to the city looking more comprehensively at properties that might fit certain criteria that you set forth, looking at affordable housing, if I'm not mistaken. So, elaine -- or lorraine riser is in the process of doing that. And, as well, back in march, I believe greg canale helped author a, talked and looked at different opportunities to do private partnerships and so forth, and greg will be able to talk to where we are in that process to bring on a development advisor. So in terms of how we might go forth with that, I'd like greg to talk about what the process might be to address this property in the context of the overall approach that we believe would be best in terms of meeting your objectives, the council's objectives around affordable housing and so forth. >> Let me ask a few questions before we go into that because I want to make sure you cover the issues that arise for me. We just went through a strategic planning exercise to determine future facility needs, so I want

[05:19:57]

to know where -- where this property came in that regard, in the study that we did. I'm glad you mentioned action by council, looking for suitable property. I want to know if this is contemplated in that, and I still didn't of the answer to my defensive end, what do we do with 235 employees. >> I want to add to that, just because it's in the same topic, please address the number of employees who are simply using this property as a shift change. >> Currently, real estate is working on an ifc, and we have identified some unutilized properties for affordable housing. And housing is currently evaluating those as part b of what the council request was, and that is, could tax credits be used, and what would -- what is the development potential for multifamily properties. That's being done. >> Is this property being evaluated for that? That's my question. >> No, sir, it is not being evaluated for that property. In the facility study that was done, this property is slated to be looked at for another use at some point in the future, but we're looking at more of a ten-year plan according to that study. And that was to give us time to look at all the uses as a whole, and look at our service delivery model, and determine how best to move forward. >> So when you say another use, you're referring to another city facility use, not a private

[05:21:59]

development project. >> Council, greg canale, finance department. One quick point, in addition to a resolution to identify the top three underutilized sites that could be partnered with housing issues, also as part of the homestead preservation resolution that had directed staff to go off and work on that as well, one of the conversations that happened was to include a look at our facilities that kind of map into that homestead preservation district. So that is another aspect of that overall homestead preservation effort that we are in the middle of right now. And, obviously, this -- I believe, if I remember correctly, this -- one of the potential districts, 411 chicon is in one of those districts. As lorraine said, it called for this site to be looked at for potential reuse. That could look at it from two different perspectives. As we've indicated to council before, our own city facility needs are vast. We've been working on, after we received the facility road map, we've been working on the implementation of that and action plans, and that has come back to council in various forms. We've required dalton lane, northeast service center, and what we're doing now, as we indicated, as ray indicated in march, we indicated to council that we were in the process to bring on a development advisor. And this development advisor would help the city take all -- take our road map, look at our specific facility needs on a department by department basis, which is what we have been working on at a staff level to understand fte growth, business needs, to try to start working these problems and solutions from a corporate perspective, as opposed to a one-off perspective, because that has been our history, and oftentimes we end up not always making the optimal choice. To that effect, what we're doing, this development advisor would help us come in and look

[05:23:59]

at our portfolio, match that up with our needs, and then potentially move forward on development techniques. Most important, trying to bring in third-party financing. We believe in this day and age, there's an opportunity to tap private funding to partner with the government. This would help alleviate the need to potentially issue bonds for these needs. But we believe a portfolio approach of all of our properties would be the best way forward. And as part of that, any specific property, before we -- before we move forward on any specific property, we would, as we mentioned to council in march, we would come back and lay out kind of a broad set of recommendations and road map for how we would implement. At that point, there would be an opportunity to talk about policy goals, about any specific site, or any other sites, well in advance of us issuing rfp's. And those persists in themselves would include at that time community input and other processes that we need to go through. That evaluation, we -- that solicitation is out on the street right now and we are planning per the memo of evaluating that this summer, then coming back to you at the end of the summer, early fall, with our overall kind of plan to take the road map and put it into actionable items. >> But that plan does not contemplate specific properties. It just contemplates kind of a policy direction moving forward as it relates to all of our properties. >> All of our properties of the portfolio. >> So I get the strong sense, and I don't want to put you in a position that you don't want to be in, but I get the strong sense that you don't have -- you weren't anticipating doing something with this property for quite some time because you felt, based on

what you know today, before getting the consultant, you needed to use this for a city facility. >> Correct. >> And the resolution contemplates coming back, doing all of this, getting community input, coming back to council by september 25, and I'll just

[05:26:01]

remind you, we've been talking about ryan drive for two years? So I don't know that we can get, you know, a community engagement process within this timeline and have it back to council. I just -- you know, I share those concerns that that would be one, very rushed, and two, doesn't sound like staff is in a position to really be supportive of that because you're wanting to hire this consultant to give that you broader vision of all of our properties in austin. >> And, councilmember, if I may, yes, it would be a very aggressive timeline to do a good stakeholder input process. One of the things that we would hope through the development advisor is to come back with a process that would then indicate, for instance, if, in fact, 411 chicon is a place we would want to concentrate for affordable housing, to answer the question, where might we put the employees. And how would we start to move the pieces around for not only that location, but for all of our facilities, as we try to optimize how we deliver services in a growing community, with greater and greater service demands. So in terms of where we put the employees, we do not have plans for that right now, obviously. Very rough estimates about what it might take to do something like that, if we were to lease space is something north of nine million dollars again, very rough, and that doesn't include -- and so that would then have to -- you have to consider 700 -- again, this is very rough -- 700,000 in lease cost on an annual basis. And then if we were to build space in order to accommodate the same functions, again, this is just very preliminary planning to try to be responsive, we're looking at something like 14, \$15 million to construct the same kind of facility and services that we currently have at that location. So a very longer term process that we would have to go through in order to consider how best to

[05:28:01]

meet the requirements that you made place for that space, as well as how might we optimize service delivery, given what we know going into the future. >> So is it your plan if this item passes on thursday, that you immediately go to work to try to find these funds to put in this year's budget because of this aggressive timeline? >> We would certainly see that that would be an issue for us, and probably come back with recommendations, I think, for a much longer term road map for this particular property, if that's what it came to, yes. >> And I appreciate that. And I'll just say yesterday capital metro, after an almost 20-year conversation, finally decided on a track very close to this area, and it was a very sharply divided decision by the board and a very sharply divided community in terms of which projects they support. So I just issue that -- with all that caution, that while it may seem like a tremendous opportunity to take this valuable piece of land in a up and coming area and take advantage of that, experience shows us vastly different, that it will be difficult, and you will have differing viewpoints on what to do and how to do it, and I dare say it won't be a quick timeline turnaround. >> Mayor? >> Mayor Leffingwell: Mayor pro tem. >> Cole: What is the current usage of this facility? How much of it is currently being used by city departments? I mean, it's my understanding it was less than 70, 50%. >> Not

quite. A lot of it is warehouse, quite frankly. We have a fleet of vehicles that really serves as a maintenance organization. So the majority of it is our maintenance crew, come in at 7:30, get their assignment, they're out on the streets by 8:00. So we have our office space, which houses approximately a

[05:30:02]

hundred in our main facility, up front, 411 chicon. Transportation has a back building. Mail services is in the back building. Swat has their area that is more than just a vehicle storage, as this calls for, they do have some operations in there, as well as ems. So what looks to be a large warehouse facility is, in fact, operational as far as office -- >> so it does appear to be large warehouse facilities that are underutilized, and you would just argue to the extent to which it's underutilized. >> Without knowing the true definition of underutilized. >> How many parking spaces are there? >> Approximately 200. >> Is there any water quality and water detention? >> No. >> No? >> Mayor? >> Mayor Leffingwell: City manager. >> I'm looking for a simple answer. Do we have significant operations out of that facility, or not? >> Yes. >> Okay. >> Mayor Leffingwell: That's a simple answer. Councilmember tovo. >> Tovo: But I would like to go back to what apparent asked. Because of the uses on that site, it sounds like some of the employees who are counted within that 200 are picking up a vehicle and leaving, or, you know, how many have their full-time operations on that site? I think that would be a helpful -- >> councilmember, if I can clarify that a little bit, that is one of the main operations out of there is our building services headquarters, so that is the place where, yes, our janitorial crews, our plumbers, our electricians, anything that it takes to maintain these facilities, that's where they're housed. So they do -- they go there in the morning and they get their assignments. They actually -- there's tap and

[05:32:02]

dye shops where they make the parts that they need. They may have to construct something and bring it onto a site, so there's areas that look vacant, but they're actually construction areas where they need big areas to use some of the equipment. They have welding shops and thing like that out there. So we would have to replace it with a similar type building and a similar square footage of building. So if you're asking, could we reduce it, one of the things that we were looking at, as I was looking at how we would do this, is, would we have to change our service delivery model. Because right now, like city hall and the different buildings, we didn't build big storage for toilet paper, cleaning supplies, things like that, so they have to be brought in as needed. And that's with a lot of our buildings. So when we bought the building, we bought that building strategically to be located where we could service that model -- in that model. Now, that may not be the best model. That's when earlier I was talking about we really need to look at how are we going to deliver those services, and do we need to change that to function better because as we're moving these facilities further out, to be affordable, then we're going to have to look at then mileage and things like that, in using it. So it looks like there's a lot not happening there, but it just depends on the day and what kinds of things we're building or doing or maintaining or repairing. >> Thank you for that clarification. It does sound like at least the custodial and building service staff are checking in and going elsewhere. So I think -- you know, if I could just jump in here, I agree that certain

of these discussions have taken a long time, including the ryan drive, but I think it's still a useful task to initiate it, to initiate that discussion. And I appreciate councilmember martinez's discussion about the timeline, and that's something we could certainly talk about,

[05:34:04]

but especially given other work that you're doing and talking about, you know, making wrong make long rangeplans for this particular site, members of the community, as I understand it, reached out and asked for input into what that site looks like for the years ahead. I think it's important to convene a few stakeholder meetings and hear what some are their ideas are and what some of their visions might be for the use of that site because it is a key site in this area, and that may -- you know, having it be a -- what sounds a lot like an industrial use may not be the highest and best use for that particular parcel. And so, you know, that's one reason why I supported this as a co-sponsor. I think it's a discussion that we should have and we should begin by talking with the community, as long as the expectations are really clearly set. But, you know, we're not -- we're going to have those discussions and hear that input and consider it along with a lot of other factors. >> Yes, mayor, I would just like to say that I was approached by several of the neighbors and other stakeholders. The neighbors that reside next to this facility, as well as people associated with houston tillotson, and all being concerned with our current usage, and the fact that zavalva elementary was there, and our swat trucks were coming in and out there at inappropriate times, and also really concerned about pure casting. And I saw this as a way for a potential developer to assemble properties and buy out pure casting. So it's part of a long-term vision for the area, much like councilmember martinez talked about with the capital metro items yesterday, and wanting to help create affordable housing more in line with our vision for the urban core. And that may require some adjustment of storage facilities for city items, but that's all

[05:36:04]

consistent with what we want to put in our neighborhoods. >> Mayor Leffingwell: I certainly agree, there should be public input for potential future uses of the property, but I think it would be more appropriate at a time when the city says this is -- this is not a piece of property that we intend to keep. That would be an appropriate time. And I think it's going to be hard to say. We're not really selling this property, but we want to see what your ideas are sometime in the future. Councilmember morrison. >> Morrison: Thank you, I appreciate the conversation and especially the discussion you all are sharing with us in terms of the more comprehensive, overall look at facilities. And I just want to take this opportunity to mention that on friday, the joint subcommittees with aid, the school, the county, and the city, that the mayor and councilmember tovo and I sit on, we had a really interesting presentation from our capital planning officer, who had been working with the facilities folks from aid and travis county for -- to look at the whole issue of joint use, and looking at not only an inventory of where we do have joint use and, you know, shared programs and thing like that, but also talking about systemically how we can change our processes so that we maximize the opportunities for joint use. As far as, you know, looking at, for instance, when we go out five years from now, four years, six years from now for a new bond project -- bond offering for general obligation bonds, to really sit down and integrate our thinking with

the other bodies, as well as acc at that time. And so that's something that the joint subcommittees and the community has been calling on us to do for a long time, and that is to t strategically

[05:38:09]

about working together. One of the things councilmember tovo mentioned in that discussion is what was learned in charlotte, I guess the visit to charlotte, that the default, when you're looking for new lease space, or when you're looking to go out and do a project, that the default is, first, to go to some of our governmental colleagues. And I know that there's some of that going on. But, really, the main thing is to get a process in place so that we're working on that together, and I'm not sure how broadly that's been discussed internally in the city yet, but I do think it's absolutely critical that we make that happen. >> And we agreement I know right as our facility road map was completed about a year and a half ago, myself, error lorraine and eric met with the facilities folks, as they were working on their bond election at that time, and certainly we continue to explore opportunities, and that is why we believe, as we look at our own existing properties, from a portfolio perspective, as opposed to a one-off perspective, it gives us more opportunities to do those things, to share facilities, especially in the realm of logistics and service orientation. Obviously, office is a little more complicated but there are opportunities there as well. That is again, as we look at -- especially, aisd, we always know they are working -- as nicole works on her financial picture all the time, I know that she's always looking at opportunities to trim the budget a little bit. And so as we bring in this development advisor, again, the goal of that is to help us set out an actionable plan, and part of those dialogues would be with our other governmental partners. We just feel that we need the time and the process to allow that -- >> with regard to this, yeah, I get that. I guess I just want to make sure that everybody is on the same

[05:40:09]

page. It was my takeaway from our joint subcommittee presentation that there was going to be a standing joint staff committee to be looking on a regular basis and working on a regular bays on the potential for joint use. And I'm not sure, judging by the looks I'm getting here, I'm not sure how far that is filtered into our management structure. And it's absolutely critical. So maybe you all could -- hello, burt. Maybe you could report back to us so we can see how it's really going to be instituted. >> Burt, assistant city manager. It will, and this team will be part of that. It already has. We've already been meeting with aisd, but the fact of the matter is, with the work that we've been doing with our facilities plan and all the work that aisd has already been doing, we feel like there's a good way to continue to marry that up. So our commitment is that we're definitely going to keep that moving forward and elevate it as high as we need to to make sure we get all the right players involved. >> Morrison: Okay. I'm feeling a little uncomfortable, maybe we could -- maybe you a you will could send us a memo about - - you know, from the city manager's perspective, how that's all going to work, because there really are a lot of offices involvement. >> Happy to do it. >> Morrison: And it was great work. Yeah. Thank you. >> Before we -- >> I just want to add, I think we have put this item on a cpt agenda in august, just so you know, a report from staff on joint facilities planning. But we can do that -- >> that topic, not this item. >> No, no the that item. >> If I may, before you leave the item, just -- should council decide to adopt this

one on thursday, I guess again I just want to provide the caution that I do have some concern about the date that's alluded to here. I think it was september 25th, and, you know, that's really

[05:42:11]

aggressive. And so I guess I just want to be up front about I'm really concerned, given all that that resolution suggests get done by the 25th, I'm really concerned that we may not be able to get all of that done. You know, I've expressed similar concerns about, you know, the number of things that are in play right now, including what's on this proposed agenda. So just for the record, I wanted to put that on the table, that that is very aggressive, and I'm concerned about our ability to get all of those things done by that date. >> City manager, do you have any proposed timeline? Would an october date be better? >> Again, it's hard to say -- >> of this year? Of which decade? with, as we always do, so many deadlines that are in place that simply come to us along with the resolution language. >> I thought it might be helpful to get past the budget, is what I was thinking. >> It's always helpful to get past the budget. >> Okay. >> So, you know, as we knew, when we are challenged by a deadline, if we find that that's the case, we will send you something telling you that we're challenged, and that we're going to require additional time. >> Okay. >> Morrison: I guess I'd just like to throw out, you know, the staff has talked about trying to do things comprehensively, you're talking about sort of input from the community and an interest that you're trying to -- really what we need to do is find the balance because we can't put everything off until our whole comprehensive plan on facilities is done. I wonder if you might contemplate descoping this a little bit so that it fits a little bit better, so that there is some forward motion, but that it fits a little bit better within the broader analyses that are going -- I guess going on right now. So I just throw that out there as a possibility, besides just the idea of changing the date to

[05:44:12]

make it a month later, just descoping it a little bit. And I don't know, maybe staff could help us figure out how to do that, or whatever, as a possibility. So it would really be more realistic. >> If I may, mayor pro tem, what might be very helpful is for us to get the development advisor aboard so that we can be in a better position to discuss this particular property, in particular, in specifics. But then, as well, to position us to have -- to be considering all of our options and the things that we really do need to do from a strategic perspective for our service delivery. And so if you could just move the date, and then what we'll do -- I guess I will suggest october 31st? >> I'm going to interrupt because I have no idea what development advisor you're talking about. >> This is the one that's going to be helping us with the particular approaches that we might be able to bring to the table in terms of private, public partnerships and so forth. >> The larger conversation we've been having? >> Yes. >> You, greg, and chief mcdonald and others? >> Yes. >> This is again -- we believe this is the best practice. We've seen it -- the idea, as ray was talking about, the private -- the p 3s, or third-party financing. It's starting to take root a little bit more nationally. One of the best practices we've seen, instead of us just jumping right into issuing an rfp for a third-party financing and building a facility and selling a piece of land, all together, we really need someone, an expert, to help shepherd us through that process so that we can leverage all of the opportunities the best way, and that's what we're referring to with this development advisor. Again, the

facilitation has just closed and we're in the process of evaluating that.

[05:46:13]

As we said in the memo, we believe by the end of summer we'll have a sense of the timing of having to have this broader discussion, but at the same time, because the development visor is also going to be helping us site-specific, make site-specific decisions, not just broad planning -- we have the broad plan. Now it's taking it and putting the site specific actions in place. >> It sounds like that expertise would be helpful to us, but also that descoping a bit might be helpful as well. >> I want to mention, I've been working with councilmembers martinez and tovo -- we've been working maybe a year and a half, something like that, that as soon, hopefully come to fruition with community ideas and things like that. If we're thinking about multiple kind of properties, all of a sudden being in the hopper for that, maybe we need to -- and I wasn't familiar with this process, maybe what we need to do is be thinking about those kind of, you know, motivated projects to just make sure there's a place for them to take priority in the bigger picture, as opposed to doing, as you say, like the one-offs for this rfp and that rfp, we're all doing some groundwork for who might be interested, community ideas and things like that that could go into it but it could be more standardized and we could take advantage of the expertise of the advisor that way. >> So I wanted to take advantage of the expertise of the advisor, and I wanted to recommend we change the date to october 31st, and then ask for -- leave it open for staff to make suggestions, because we asked for several analyses. And so I'm assuming that on

[05:48:16]

october 31st, you might bring forth five of those, but there's three more you want to do. So to that extent, I see the language as asking for some descoping and flexibility on staff's part. >> Yes. So if I understand you correctly -- I'm sorry, ray, I hate that I'm jumping in right here, but I am. So if I understand you correctly, you understand that we want to take advantage of the advisor, development advisor. I understand that you're modifying your date, extending it, and looking for some assistance in -- relative to councilmember morrison's suggestion, of descoping elevenning the scope of what's -- >> but lessening the overall scope, I'm really talking about phases, that they may not be can complete by october 31st. There may be work or analysis they want to do, based on community input or just based on the needs of the city, and they can bring those forth on october 31st. >> Okay. So you'll go with our judgment about how to phase it? >> No, because I asked for several analyses. >> You did. >> So when I say several analyses, I mean even on october 31st, there may be additional analysis that needs to be done. Of course I'm not pushing that, but I'm saying if it needs to be done, then there is the flexibility in the resolution I think that already exists for that. >> Okay. >> Mayor pro tem. >> If I could suggest, maybe this could be handled by changing your language, that instead of directing the several analyses, to have them for review by september 25th, just ask that they provide a status by september 25th with all the work that's been done and then a timeline for the event the rest of the work. So your scope stays the same, you just say do what you can by that time, tell us what you are, and how you're going to accomplish the rest of it. >> That would be great. >> That would be amenable to me, that we would have -- you look

[05:50:16]

shocked. I'm reasonable. >> I know you are, and I just -- I didn't write it down, so I hope -- >> I did. I wrote it down that we would have a status report and a timeline. >> Yeah. >> For completion. And, you know, I may actually put a timeline on that, in terms of 16 more days or something like that, 30 more days. But I'm curious, councilmember morrison, why, based on the other projects that you have worked on, and knowing the size and scope of this property, why you are anticipating that the process would need to be so long. Is there any particular reason? >> It's austin. >> Thank you. That's about it. >> As I'm sitting here, I appreciate the conversation we're having, actually. I think we need to start working on a broader policy as it relates to development, and assets that we hold. We get requests all the time, that's how the ryan drive issue came up, I mean we get requests all the time for surplus property, can we do this with it or can you do that. I would like to see a recommendation from staff as well that comes back with a broader policy, so it doesn't preclude council members from initiating research on a particular property, but that that research goes into a broader plan through your development advisor, and is kind of well thought through, if you will, based on the advice of the advisor, based on community input, based on council's input, I just think we're going to continue to see these. I already know you guys are getting unsolicited proposals for properties that we hold all over the city. And I think that's why, at least I'm assuming that's why you're hitting the pause button and saying, can we hire a development advisor to really help us get a grasp on this, because we're in a boom time right now in this city, and developers are out there looking

[05:52:17]

for any vacant piece of planned land that they can potentially develop, and you guys are getting hit up every day, I'm sure. So I would like just as frequently direction, I would certainly appreciate recommendations from you all, from you, city manager, as to a policy that covers this broader context of a conversation. >> Tovo: I'm done with this issue. >> Thank you. Thank you for your presentation. >> Mayor pro tem cole, I wanted to bring up an issue about thursday and timing and a time certain request we've received, and I also know that we have a briefing scheduled for today, and I hope that before we - if we're not going to have that briefing, I hope we have an opportunity before we dismiss, just to very quickly talk about the timeline for that process. So I don't -- I don't know how to handle that, but I do need to -- I do need to bring it up in a public meeting because the co-sponsors of that original taskforce are here. >> Let me ask you and ask council, I'm inclined to have that discussion about the timeline and then adjourn the meeting and postpone the briefing, but if there's anyone else here that is objecting to that agenda -- okay. >> Mayor pro tem -- >> I think laura is objecting to that agenda process, but councilmember tovo? Councilmember tovo, you have the floor. >> Tovo: I just want to clarify that if we are not going to hear the briefing today that we are going to have at least three minutes to talk about the water planning taskforce and they're timeline because they have -- we may have a slight misunderstanding about the imperative to report back. >> It's my understanding that the briefing is on rates, not the water planning taskforce. Is that correct? >> The briefing is -- yeah, is an update to the forecast that you previously received on the

[05:54:18]

water department. >> So that's a different topic, councilmember tovo. But I do want to talk about time certain, and I read in the media that some folks were thinking about having a -- potentially having a tuesday meeting and ending at midnight, and frankly, I've got things scheduled for friday and saturday morning that I will need to reschedule. And so I'm wondering if there's any way we can get a sense from the council, if we did that, would it be friday, would it be saturday, and how would that be handled? I'm concerned about people waiting to speak until midnight, and then we say, oh, hey, you've got to come back. So I don't know -- >> can I say, under the open meetings act, you would be allowed to adjourn the meeting until friday without reposting, but you could not do a saturday. We would have to go then repost. >> Okay. Just a recess? >> Correct. Recess, whatever, the act allows to you continue a meeting till the very next day. So it could be continued until friday. >> Right. >> But that's it. You'd have to repost if it's going to be outside a friday. >> That's very helpful so I don't need to reschedule my saturday morning haircut. Very important. >> The city council is rescheduled for friday until the entire day, or is there some time -- >> the act just says the meeting can be continued without rereposting till the next day. So what you talk about the next day, you don't have to talk about that, you just don't have to repost it. So anything scheduled on thursday could be heard on friday if you continued a meeting till the next day. >> Okay. >> Just one more thing, I think folks might be interested in a time certain for strategic mobility and adoption of the local preferred alternative, i.e., Rail. And I don't know if anyone has talked about that. >> Council member riley?

[05:56:20]

>> Riley: I have a request for time certain on that item for 4 o'clock. >> Okay. Council member tovo, I think -- >> Tovo: That was the point I wanted to make. I mentioned that I had a time certain request, and that was it. >> And I thought we had a time certain request for 6:15 for -- >> 6:00 and 6:15 for secure communities, item 99. It sort of looks if anything got pushed, the flood buyout would get pushed. It makes me a little uncomfortable because most of the people are not going to be able to come on friday morning. >> That's why I'm going to contemplate asking the council to consider taking those items up early in the evening, outside of our rules. I know that we have this -- whatever rules of the week apply, but when we -- you know, last week we took up a bunch of agenda items and had no speaker signed up, that took time. So I would suggest if we're going to recess the meeting and reconvene on friday, let's at least look at the items that don't have anyone signed up and move those off potentially to later in the evening thursday, or to a friday morning reconvening, because those folks that are signed up on these items, I think it's going to be -- it's not going to sit well if they are here all day long, and then we recess this meeting until the very next day. So I just want you to consider that. I don't know if the mayor would even accept that motion, but the 4 o'clock and 6 o'clock time certain, I'd like to try to here those around those times, if at all possible. >> Council member martinez, I just want to be clear about exactly what you're suggesting. Are you suggesting that maybe we should take -- >> we would waive the normal rules to bring up them as close as possible to their time

[05:58:21]

certain. >> What I'm interested in fighting feedback in is I think the certainty of when we're going to take up things is much more important as a general rule to people than having to wait late to hear them, so that they would come at 9 o'clock friday morning, or 10 o'clock friday morning on the buyout, secured communities, or even the local alternatives, if we just made a decision about that, and that would hit the press, and everybody would know, as opposed to -- >> we can't make a decision till thursday. >> Oh, we can't make -- well, let's not make a decision about it. >> You can talk about it, what you're going to do, put it out there that these are things you're considering doing, but you can't take any action. >> That's why I was suggesting that we consider waiving the normal rules and try to hear those items as close as possible at the posted time certain. >> Well, 6 o'clock we are never able to make because of live music and proclamations. And so we have the same issue with 6:15. >> Council member spelman? >> Spelman: It seems to me -- I was traveling down the same path. Since 6:00 and 6:15 are never times we are able to make, why don't we, in the interest of public certainty, just decide we're not going to do that, we're going to take up items at 7:00 and 7:15 instead, as I understand we almost always come back at 7 o'clock. >> I would certainly entertain that as friendly or good suggestion on thursday. I think the mayor is more than likely going to require a vote because it's a waiving of our normal rules. I don't know that, though. But that conversation will have to be had on thursday. >> Spelman: Actually, all I was getting at, at least for now, I agree that if we were to take it up at 7 o'clock, we may have to waive our normal rules, but what I'm suggesting now is if,

[06:00:22]

instead of asking for a time certain of 6:00 and 6:15 for the two items in question, we ask for 7:00 and 7:15 that's at least doable. >> That's fine. That's pretty much the same thing we have now, but you're right, it alliance more realistically with the time frame. >> And we're sending a clear message to the public, don't show up at 6 o'clock, you'll have to sit around for an hour. You'll at least save yourself an hour. >> Good point. >> But the issue put on the table in the media and that council member morrison has raised is the question about -- the sentiments we have about recessing at a time in the middle, late, 12 o'clock, if we have not considered those items. And I'm trying to get some feedback here on the sentiment about that. >> Personally, I would be fine with that if we could -- especially if we could identify an item that has a lot of people, lot of interest, and suggest that we consider that item as the -- as a recessed item so that we could hit it, you know, know that we're coming in to hear three hours of testimony on something or other, before. So that makes sense to me. If those two items -- I can't support the items being the secure communities and floods because I believe that the people that are interested cannot take time off, and I don't know if we have any -- any items that could be considered for a friday morning. I don't know if -- >> well, let me ask you about the potential, and again I understand council member martinez, that this would require waiving our rules, but what if we did our regular council meeting and consent items, besides the zoning and the three items that are going to require so many people on friday? >> If need be, that could be fine. So that means we -- yeah.

[06:02:23]

>> So we would actually hear these items earlier, probably as earlier as 1 o'clock. >> Except for we have a 4 o'clock and a 7 o'clock. >> I mean I'm asking about these time postings for these items that take an extended amount of time. >> The point of asking for the evening time certain, though, is because they're at work, and if we moved it up to 1 o'clock, they wouldn't be able to attend. >> What about -- could I ask what about the folks that are requesting the 4 o'clock time certain for rail? That needs to be at the end of the day, I take it? >> Council member riley? >> Riley: Yes. That's -- I take it the same thing. That's really the only input I got, was just requesting 4 o'clock. I think if we're clear about our expectation, I assume people could -- could live with that. >> Well, I think what I'm hearing council member martinez say is, what about we work as much as we can up till 4 o'clock, then we take up rail, then we work if there's any time, then we take up the two for 7:00 and 7:15, and then we do everything else and go to friday morning if need be. >> That's what I'm saying. Yeah. >> I would certainly support that if I could just ask our attorney, is that a change in the rules and could that be done with a vote of the council? >> Yes, you can waive your rules to take things out of record as established by your rules. That's no problem. >> So that would be the remaining portion of our agenda to be considered, but we would go ahead and proceed with the regular postings at 4 o'clock, 7:00, and 7:15. >> Sounds good to me. >> Tovo: I would just say what I like about that approach, if there are individuals who can be there the next day, perhaps they could delay -- if, for example, it's the rail issue, that we don't get through on thursday, which it may be -- >> well, if we haven't --

[06:04:25]

>> if that comes up at 4:00 -- >> if that comes up at 4:00 -- >> what happens at 7:00? Are we switching issues? >> No, we usually finish rail. >> Being on. I misunderstood. >> I think the intent is to finish those three items on thursday because they're going to be the most active items in terms of speaker sign-up. So we start at 4 o'clock, work through till we get it done, then take up secure communities, then take up floods. That may take us to 1:00 a.m., I don't know. But then at that point, we could consider waiving the rules and recessing -- >> and taking up the items on friday that have less public input so we're not asking folks to take off work to come down and speak. Okay. That sounds like a good plan. >> Can I just add that what I'm hearing is that you want to take up things out of order, so currently under your rules, you have 2 o'clock time certain, 4 o'clock time certain, so the motion would include taking -- or pushing those standard things like zoning and the standard public hearings at 4 o'clock to another time to take up the rail issue at 4:00, and then in succession, secure communities and the onion creek buyout. Because generally what happens is that because of your rules, we just take them up, say if zoning doesn't come up at 2:00, it comes up at 4:00, you take it up because it's the next thing under your rules. What I'm trying to craft is some motion maybe to allow you to do that. I just want to make sure I'm understanding what you want to do. >> Okay. Council member riley? >> Riley: I do want to note that four of us are expected to be someplace else friday. Campo will be meeting for the purpose of interviews and a decision with respect to its hiring a new executive director, and I would just note that we will need to be in touch with other campo members, if we really expect that we are going to spill over into friday, that we may want to talk to other campo members just to figure out

[06:06:26]

what we're going to do on that. Just want to raise that as a flag. The meeting is set from 10:00 to 3:00. So we'll just need to figure that out. I'm not suggesting that we -- that we avoid meeting friday, but we may need to talk with campo about potentially scheduling another campo meeting. I just want to raise that as a concern, since four of us -- since that is a significant decision involving our regional transportation body getting a new executive director, and four of us are expected there. >> Okay. So we have a lot to think about before thursday in terms of the wonderful motion that karen connart is crafting. Without objection, we are adjourned.